

675 Wildwood Avenue
Rio Dell, Ca 95562
(707) 764-3532



**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
January 3, 2012**

TO: Mayor and Members of the City Council
THROUGH:  Jim Stretch, City Manager
FROM: Stephanie Beauchaine, Finance Director
DATE: January 3, 2013
SUBJECT: **Wastewater Connection Fee Update**

RECOMMENDATIONS

Authorize the City Manager to execute a contract agreement with Bartle Wells Associated to update the Wastewater Connection Fee

BACKGROUND AND DISCUSSION

The City of Rio Dell has contracted with Bartle Wells Associates to conduct a wastewater rate study. After further discussion of the City's fees it was brought to our attention that the wastewater connection fee hadn't been reviewed in 26 years.

Staff have communicated with BW who has proposed updating the fee for \$5,000. The scope of services includes review of the current fee which was last updated in January of 1987, a survey of local wastewater connection fees, evaluation of connection fee methodologies, value and capacity of system assets, and costs for current and future users, a proposal for a new fee, as well as a recommendation and methodology for future rate increases to ensure the fee's remain aligned with future costs.

Staff recommend the Council approve the scope of services to ensure the City captures all potential revenue available and due to the City by future wastewater connections.

BUDGETARY IMPACT

The estimated cost of services is \$5,000 and will be paid from wastewater reserves. The budget amendment will be included with the mid-year budget review.



BARTLE WELLS ASSOCIATES
INDEPENDENT PUBLIC FINANCE ADVISORS

1889 Alcatraz Avenue
Berkeley, CA 94703
T: 510-653-3399
www.bartlewells.com

December 26, 2012

Stephanie Beauchaine, Finance Director
City of Rio Dell
675 Wildwood Avenue
Rio Dell, CA 95562

Re: Proposal for Wastewater Connection Fee Update

Bartle Wells Associates is pleased to submit this letter proposal to review and update the wastewater connection fee for the City of Rio Dell (City). We are currently conducting the City's wastewater rate study and propose to add the connection fee review to our scope of work. Through our work on the rate study, we are becoming knowledgeable about the City's customer base, growth rates, and capital funding needs which will inform our recommendations for the connection fee. To update the City's wastewater connection fee, we envision the following scope of work:

1. Review Current Connection Fee

Review the City's current wastewater connection fee resolution/ordinance as well as policies and procedures used by the City to implement the wastewater connection fee. Work with the City to identify objectives for a new or modified connection fee for the City's wastewater enterprise.

2. Conduct Survey of Local Wastewater Connection Fees

Review and summarize the wastewater connection fees of other local and comparable agencies. Summarize results in easily understandable tables and/or charts.

3. Evaluate Alternative Connection Fee Methodologies

Identify and evaluate alternative methods for calculating the connection fee (such as buy-in to existing facilities and/or a fee for expansion of facilities). Discuss advantages and disadvantages with the City's project team and determine a recommended approach.

4. Determine Current Value & Capacity of Wastewater Assets

Calculate the current value of the City's existing wastewater assets. The current value is generally calculated by adjusting the original or depreciated value of each facility or asset into current dollars using the Engineering News-Record Construction Cost Index, a widely-used measure of construction cost inflation. Also determine the capacity of new wastewater facilities such as the wastewater treatment plant upgrades and disposal project.

5. Allocate Capital Program Costs to Current & Future Users

Equitably allocate capital improvement costs and existing asset value to existing and future customers based on input from City staff and/or its consulting engineers. Some projects may entirely benefit one group while others will provide a portion of benefit to both correct existing system deficiencies and provide new capacity for growth.

6. Develop Preliminary Connection Fee Recommendations

Based on appropriate and technically sound methodology, recommend revisions to the current connection fee based on the data developed above. Review fee for compliance with Government Code Section 66000 et. seq. (AB1600).

7. Recommend a Method for Future Annual Indexing of the Connection Fee

Recommend a method to annually or periodically adjust connection fees and miscellaneous charges so they keep aligned with future costs. For example, connection fees can be adjusted annually based on the change in the Engineering News-Record's Construction Cost Index, a widely used measure of construction cost inflation.

BWA's Proposed Consulting Fee: To develop a wastewater connection fee, our consulting fee is \$5,000, including direct expenses. This fee quote assumes we will conduct the connection fee analysis concurrently with the rate study which will streamline workflow and data collection. Our charges for services will be billed in accordance with the terms outlined in BWA Billing Rate Schedule 2012 (attached) which will remain in effect for the duration of the wastewater rate and connection fee studies.

We would very much like to assist the City on this assignment and can begin work immediately. Please contact me at 510.653.3399 extension 110 or by email at ddove@bartlewells.com if you have any questions or would like any additional information.

Very truly yours,

BARTLE WELLS ASSOCIATES

A handwritten signature in dark ink, appearing to read 'Doug R. Dove', written in a cursive style.

Douglas R. Dove, PE, CIPFA
President

BARTLE WELLS ASSOCIATES

BILLING RATE SCHEDULE 2012

Rates Effective 1/1/2012

Professional Services

Financial Analyst I.....	\$95 per hour
Financial Analyst II.....	\$125 per hour
Senior Financial Analyst.....	\$165 per hour
Senior Consultant	\$195 per hour
Principal Consultant.....	\$225 per hour

The professional time rates include all overhead and indirect costs. Bartle Wells Associates does not charge for secretarial support services and internal computer time. Expert witness, legal testimony or other special limited assignment will be billed at one and one-half times the consultant's hourly rate.

The above rates will be in effect through December 31, 2013 at which time they will be subject to change.

Direct Expenses

Subconsultants will be billed at cost plus ten percent. Word processing and computer-assisted services related to official statement production are charged as direct expenses at \$60 per hour. Other reimbursable direct expenses incurred on behalf of the agency will be billed at cost plus ten percent. These reimbursable costs include, but are not limited to:

- Travel, meals, lodging
- Long distance telephone and fax
- Printing and report binding
- Special statistical analysis
- Outside computer services
- Bond ratings
- Automobile mileage
- Messenger services and mailing costs
- Photocopying
- Graphic design and photography
- Special legal services
- Legal advertisements

Insurance

Bartle Wells Associates maintains insurance in the amounts and coverage as provided in the attached schedule of insurance. Additional or special insurance, licensing, or permit requirements beyond what is shown on the schedule of insurance are billed in addition to the contract amount.

Payment

Fees will be billed monthly for the preceding month, and will be payable within 30 days of the date of the invoice. A late charge of 1.0 percent per month may be applied to balances unpaid after 60 days.

675 Wildwood Avenue
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(707) 764-3532



For Meeting of: January 3, 2013

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: December 19, 2012

Subject: Extension of Water Service
APN 205-071-003 & 205-031-033

Recommendation:

That the City Council:

1. Not make application to LAFCo requesting their approval of the extension of services and subsequent annexation.

Background

The City was recently requested to extend water to two parcels located outside City boundaries. The property owner, Mr. Chisum, recently purchased three parcels up on Monument Road. One of the parcels APN 205-071-017, known as 964 Monument Road is developed with a single family residence and associated outbuildings and is currently being provided water from the City. The other two parcels are currently vacant. Please see Attachment 1. The property owner would like to have water service for the two vacant parcels.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code Section 56133, authorizes a city or district to provide new or extended services by contract or agreement outside its jurisdictional boundaries if the city or district requests and receives approval from the Local Agency Formation Commission (LAFCo). LAFCo may authorize a city

or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization (annexation), or outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory, under specified circumstances. Included as Attachment 2 are LAFCo's Policies and Procedures regarding the extension of services.

The parcels are located within the City's Sphere of Influence. A copy of the City's adopted Sphere of Influence Map is included as Attachment 3. As mentioned above, LAFCo may approve the extension of services outside the City's boundaries in anticipation of the property being annexed into the City.

Section 13.05.170 and 13.05.240 of the Rio Dell Municipal Code (RDMC) addresses charges for water service installations, connections and billing rates for parcels outside City boundaries. These regulations require that those parcels outside City boundaries pay 150% of the required fees and charges.

Staff Analysis

At this point, staff does not recommend that the City make application to LAFCo requesting their approval of the extension of services and subsequent annexation for the following reasons:

1. The current residential land use designations within the City could accommodate approximately 3,150 additional parcels, resulting in a population of almost 8,000 people within the City limits.
2. Should the Dinsmore Plateau be redesignated from 5 acre minimum parcel size to 1 acre or ½ acre minimums, this would accommodate an additional 125 or 250 parcels (not including potential second units), adding another 300 or 600 potential residents.
3. There is approximately 75 acres east of Highway 101 that is designated 1 acre minimums due to the Cease and Desist Order (CDO) placed on the City as a result of the City's antiquated Waste Water Treatment Plant (WWTP). Once the WWTP project is complete, the CDO will be lifted and the area will likely be redesignated Urban

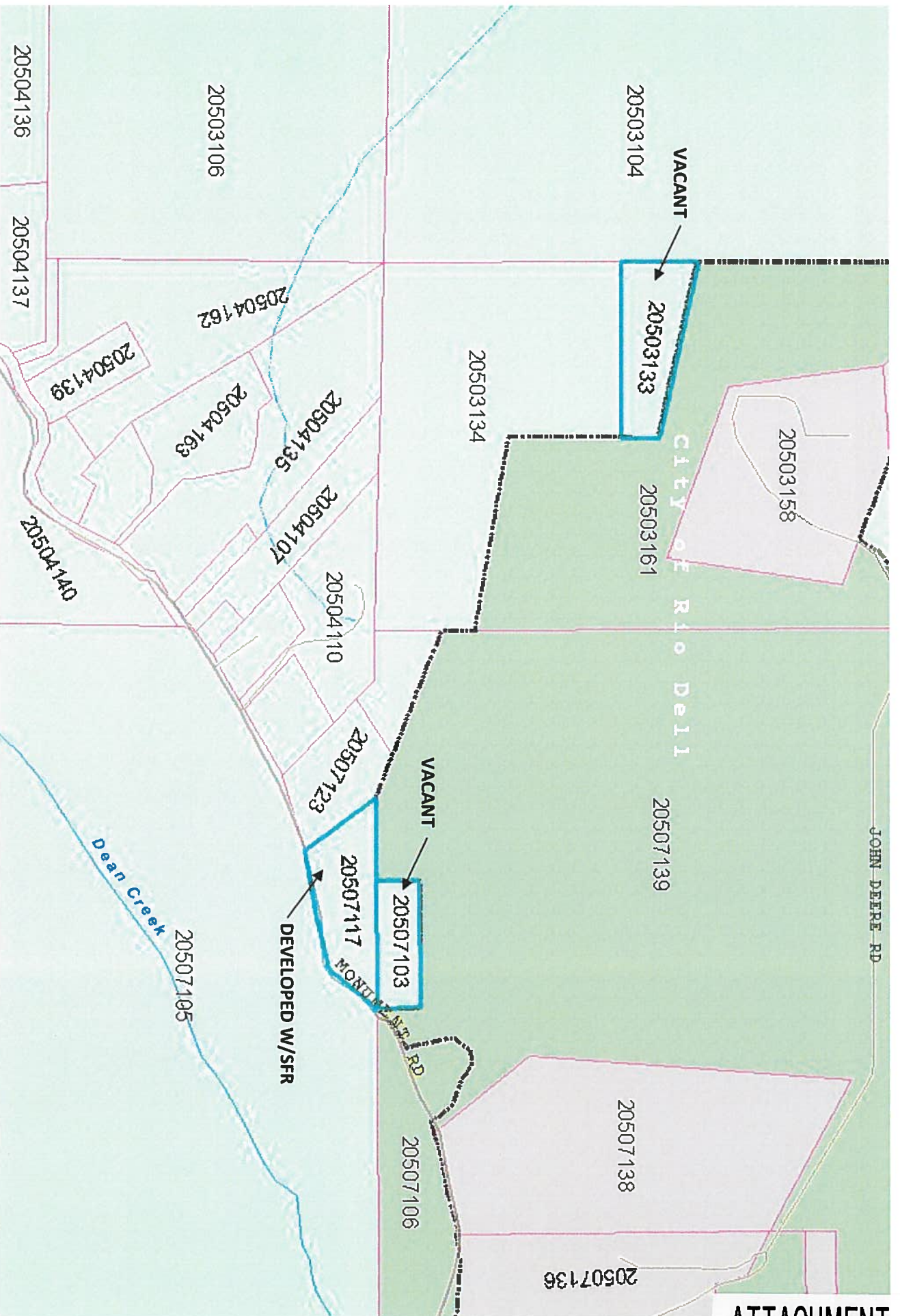
Residential. Redesignating this area could result in up to 400 additional parcels or another 1,000 residents, not including second units.

4. According to the current Municipal Service Review (MSR) for the City, there are approximately 786 available water connections. The available connections cannot accommodate the planned growth within the current City limits.
5. The City's water supply comes from an infiltration gallery located in the Eel River. The production of water is tied to the water levels in the river. In late summer months, production can barely keep with demand.
6. The County will likely recommend that the City annex that portion of Monument Road (approximately 2000 feet) to the westerly boundary of the parcel (APN 205-071-017) fronting on Monument Road. This section of the road is not in very good shape and is subject to active landslides. The City does not have the funds to maintain the road, let alone make any improvements.

Based on the above reasons, staff does not recommend extending additional water services outside City boundaries and the subsequent annexation of those lands.

Attachments

- | | |
|---------------|--|
| Attachment 1: | Map of the area. |
| Attachment 2: | LAFCo's Policies and Procedures regarding the extension of services. |
| Attachment 3: | Sphere of Influence Map |



Chisum Extension of Services Request



POLICIES AND PROCEDURES FOR CITIES AND DISTRICTS TO PROVIDE SERVICES OUTSIDE AGENCY BOUNDARIES

Adopted November 14, 2012

1.0 Authority

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 authorizes a city or district to provide new or extended services by contract or agreement outside its jurisdictional boundaries if the city or district requests and receives approval from the Commission. The Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization, or outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory, under specified circumstances.

2.0 Purpose

To establish policy and procedural guidelines by which the Commission considers requests for the extension of services by cities and districts outside their jurisdictional boundaries pursuant to Government Code Section 56133.

3.0 Objective

To ensure the extension of services by cities and special districts outside their jurisdictional boundaries are logical and consistent with supporting orderly growth and development in Humboldt County. The Commission recognizes the importance of considering local conditions and circumstances when implementing these policies.

4.0 Definitions

The following definition of terms are provided to assist in the implementation of Government Code Section 56133 since its terminology, in some areas, is not reflective of current statutory definitions or has no statutory definition within the Cortese-Knox-Hertzberg Act:

- A. "New or extended services" shall mean the actual delivery of services or the intensification of services to a specific property. New or extended services established before January 1, 2001 are specifically exempt and are not within the purview of the Commission.

- B. "Contract or agreement" shall mean a contract, agreement, or other legal instrument, which requires or agrees to the delivery of service to property.
- C. "Written approval of the Commission" shall mean for development related contracts, the adoption of a resolution of the Commission approving the service agreement/contract at a noticed public hearing; for non-development related contracts written approval of the Commission shall mean the document signed by the Executive Officer authorizing the completion of the contract.
- D. "Anticipation of a later change of organization." The inclusion of an area to be served within the sphere of influence of the serving agency shall be sufficient to comply with this provision.
- E. "Public Agency" means the statutory definition of Public Agency is "the state or any state agency, board or commission, any city, county, city and county, special district or other political subdivision, or any agency, board or commission of the city, county, city and county, special district, or other political subdivision" (Government Code Section 56070).

The definition of public agency does not include a private or mutual water company. Any contract by a city or district to extend service to these types of service companies would require approval from the Commission prior to contract execution.

- F. "Public health and safety threat" shall mean the extension of service to alleviate an immediate health and/or safety problem. Such connections would be limited to the provision of water and/or sewer service to an existing structure, the connection to a failing mutual or private water system requiring auxiliary service, the provision of fire protection and/or paramedic services as supplemental or alternative source for service, and other similar threats related to health and safety.
- G. "Sufficient Service Capacity" shall mean the affected agency has the ability to provide the new or extended services to be provided under the agreement without adversely affecting current service levels within its jurisdictional boundaries.

5.0 Policies

5.1 Commission Approval Required for New or Extended Services

Except for the specific situations exempted by Government Code Section 56133, a city or district shall not provide new or extended services to any party or property outside its jurisdictional boundaries unless it has obtained written approval from LAFCo consistent with all the policies and procedures described herein.

5.2 Exemptions

The Executive Officer shall consult with cities and districts to determine whether extended services agreements are subject to Commission review. The following agreements shall be exempt from Commission approval:

- A. Any agreement solely involving two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.
- B. Any agreement for the transfer of nonpotable or nontreated water.
- C. Any agreement solely involving the provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, any agreement for the extension of surplus water service to a project that will support or induce development shall not be exempt from Commission approval.
- D. Any agreement for an extended service that a city or district was providing on or before January 1, 2001.
- E. Any agreement involving a local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of its jurisdictional boundaries.

5.3 Executive Officer Authority to Approve Certain Requests

The Executive Officer shall have the authority to approve or conditionally approve proposals to extend services outside jurisdictional boundaries in cases where the service extension is proposed to remedy a clear health and safety concern. In addition, the Executive Officer shall have the authority to approve or conditionally approve service extensions where the services in question will not

facilitate development (for example, an inter-agency contract for fire protection services).

5.4 Filing Requirements

The filing requirements for review of an out of agency service contract/agreement shall consist of:

- A. Official Request from Applying Agency. A written request signed by the City Manager/District Manager requesting approval for an out of agency service agreement/contract or an adopted resolution from the city/district proposing to serve outside its boundaries must be submitted.
- B. Payment of Appropriate Filing Fees. The applying agency must submit as part of the application the appropriate filing fees as outlined in the LAFCo Fee Schedule.
- C. A completed application form including the submission of a copy of the proposed agreement/contract that has been signed by the property owner(s) and, if necessary, the agency extending service(s), and maps showing the location of the property to be served, existing agency boundaries, the location of the existing infrastructure, and the proposed location of the infrastructure to be extended.
- D. Any other information deemed appropriate by the Executive Officer in order to review the service extension request based upon its special circumstances.

5.5 Environmental Review

All matters that involve discretionary action pursuant to these regulations are subject to the applicable provisions of the California Environmental Quality Act (CEQA). If there has been no environmental determination made by the applying agency, LAFCo will serve as the Lead Agency and shall prepare the required environmental analysis. Such a determination shall be required prior to authorization of a service extension.

5.6 Annexations

Annexations to cities and districts involving territory located within the affected agency's sphere of influence is generally preferred to outside service area agreements. The Commission recognizes, however, there may be instances when outside service area agreements are appropriate given local circumstances.

5.7 Criteria for Authorizations for Outside Service Area Requests

The Commission and the Executive Officer shall limit its outside service area authorizations to public health and safety emergencies and circumstances where:

- A. Sufficient service capacity exists;
- B. Annexation would not be practicable (in determining whether an annexation is practicable, the Commission shall consider the sphere of influence determinations for the affected territory in accordance with Government Code 56425(e); and
- C. The outside service area request is determined by the Commission to be consistent with the policies adopted in and pursuant to the Cortese-Knox-Hertzberg Act.

5.8 Public Health and Safety Criteria for Water and Sewer Services

The Commission recognizes the importance of proactively addressing impending threats to public health and safety in considering requests for outside water and sewer services. Accordingly, the affected agency or landowners shall provide the Commission with documentation of the public health and safety threat, consistent with the criteria below.

- A. An existing on-site sewage disposal system may be deemed a threat to the health and safety of the public or the affected residents if it meets one or more of the following criteria, as determined by a Humboldt County Division of Environmental Health Specialist or other qualified professional:
 - (1) There is ponding or accumulation of wastewater or septic tank effluent at or above the surface of the ground.
 - (2) There is a lack of an unsaturated vertical soil separation between the bottom of a disposal field and seasonal high groundwater.
 - (3) There is a failure of the disposal field or septic tank to accept, treat, and dispose of wastewater in quantities discharged by the structure served.
 - (4) The on-site septic system is within 50 feet of a well or other water source.
 - (5) Any other condition associated with the operation or use of an on-site sewage system that could permit the exposure, either directly or indirectly, of individuals or domestic animals to inadequately treated wastewater.

B. An existing water source used for domestic purposes may be deemed a threat to the health and safety of the public or the affected residents if it meets one or more of the following criteria, as determined by a Humboldt County Division of Environmental Health Specialist or other qualified professional:

(1) The water supply is impacted by biological, chemical, or radiological constituents that cannot be adequately or reasonably treated or removed to levels deemed safe for human consumption or contact.

(2) The quantity of the water supply is constantly or periodically inadequate (less than one gallon per minute) to meet the domestic needs for which its use is intended, and additional quantities cannot adequately or reasonably be developed.

(3) Any other condition in which the continued use of an existing water supply could result in negative impacts to human health.

6.0 Application Procedures

For all development-related applications for service, the item shall be considered by the Commission at a noticed public meeting. The authority for action for nondevelopment-related agreements/contracts has been delegated to the LAFCo Executive Officer by the Commission.

6.1 Development-Related Applications

Development-related agreements/contracts associated with the development of tracts, subdivisions, a single-family dwelling unit, a commercial/industrial development on a parcel, or other types of development-related projects shall require the following review and approval by the Commission:

A. The city or district proposing to provide service(s) outside its boundaries shall submit to LAFCo an application for review and consideration. Within 30 days after receipt of an application, the Executive Officer shall determine whether the application is complete and acceptable for filing. If the request is deemed incomplete, the Executive Officer shall immediately notify the applying agency of that determination, specifying those parts of the application that are incomplete and an explanation of the manner in which the deficiencies may be made complete.

B. The Executive Officer shall provide a referral regarding the request to the Humboldt County Public Works, Planning and Building, and Environmental Health Departments and affected and nearby public agencies and utilities providing the service type that is proposed to be extended.

- C. If necessary, a meeting with the applying agency and/or the various departments may be held dependent upon the circumstances and/or issues related to the service agreement/contract. The determination of whether or not to hold the meeting shall be made by the LAFCo Executive Officer.
- D. Once these required elements have been completed, the item shall be placed on a Commission Agenda within 90 days. At a noticed public meeting, the Commission will consider the staff's presentation and presentations, if any, by interested and affected parties, and make a determination.
- E. The Commission has the authority to approve, approve with conditions, or deny the service extension request. The Commission's determination and any required findings will be set out in a resolution which specifies the area to be served, the services to be provided, and the authority of the agency to provide its services outside its boundaries.
- F. Within 30 days after the Commission disapproves or approves with conditions an outside service area agreement, the applicants may request reconsideration of the decision by filing a written request with the Executive Officer. In all other cases, the decision of the Commission on an outside service area agreement shall be final and conclusive. The request for reconsideration shall include the required reconsideration fee and shall state the reasons for the reconsideration. Reconsideration by the Commission shall be noticed and conducted pursuant to Section 56895 of the Government Code. The determinations of the Commission on reconsideration shall be final and conclusive.

6.2 Nondevelopment-Related Applications

Nondevelopment-related agreements/contracts that are related to providing service to existing residential, commercial or industrial development or those contracts between public agencies for such items as fire protection mutual aid shall include the following review and approval by the LAFCo Executive Officer:

- A. Prior to the execution of an agreement/contract for service outside their boundaries, the city/district proposing to provide the service shall submit to LAFCo a completed application, with all its component parts as previously defined, for review and consideration.
- B. The Executive Officer's administrative review shall include the following determinations:
 - (1) The proposed service extension is either nondevelopment-related and/or involves health and safety concerns as defined by Commission policy.

(2) Sufficient service capacity exists.

(3) The request is consistent with the Cortese-Knox-Hertzberg Act.

- C. The Executive Officer can approve, approve with conditions, or deny the request for service extension. Should the Executive Officer decide, for any reason, to not exercise his/her delegated authority, the Executive Officer shall refer the request to the Commission for approval.

In cases where the Executive Officer denies a proposed service extension, the proposal shall be placed on the next Commission meeting agenda for which notice can be provided. After consideration at a public meeting, the Commission may approve, conditionally approve or deny the request for service extension.

In cases where the Executive Officer approves a proposed service extension, said approval is subject to a potential review initiated by the Commission pursuant to Section 6.2 D. of this Policy. The applying agency and/or the affected property owner may, in their discretion, initiate the extension of service prior to the expiration of the time the Commission may initiate a review of the decision. However, any such extension is taken at the risk of the applying agency and/or the property owner that the Commission may ultimately reverse the approval of the Executive Officer, or place additional conditions on such approval. The approval of the Executive Officer creates no legally enforceable, vested right of the applying agency and/or the property owner.

In cases where the Executive Officer approves a proposed service extension with conditions to which the applying agency and/or property owner objects, the applying agency and/or property owner may proceed with the extension under the conditional terms and said conditional terms shall be placed on the next Commission meeting agenda for which notice can be provided. After consideration at the public meeting, the Commission may lift or modify the conditions.

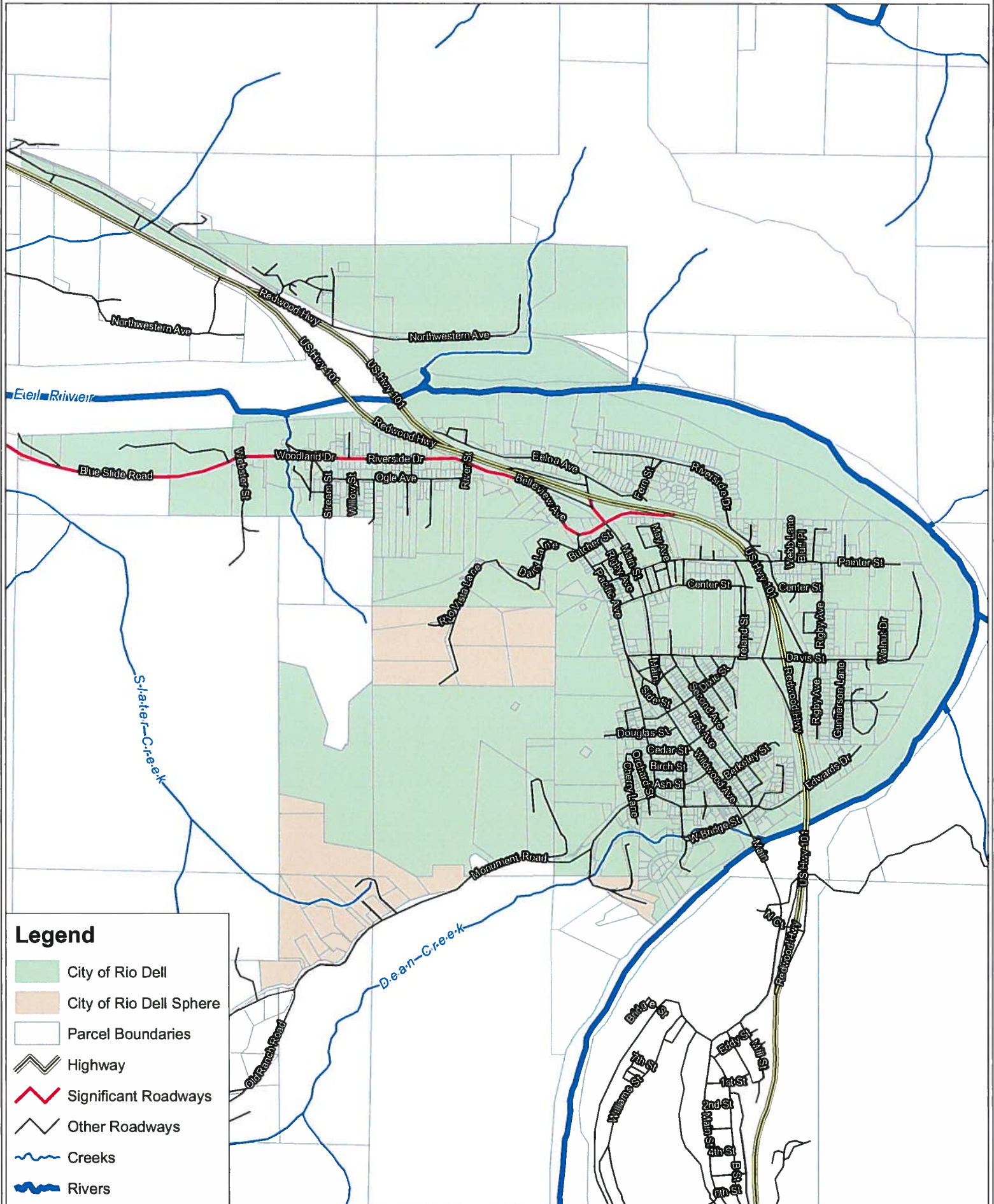
- D. The Executive Officer shall notify the Commission of his/her decision on an outside service area agreement within two business days. Within ten days after the Executive Officer's decision, any member of the Commission may request the Commission to review the decision by filing a written request with the Executive Officer. The Executive Officer shall set the request for review as an agenda item for the next meeting of the Commission for which notice can be given. After consideration of the issue, the Commission may affirm, reverse, or modify the decision of the Executive Officer.

7.0 List of Pre-Existing Services

Upon adoption of these regulations, the Executive Officer shall ask each city and district to provide a list or map of parcels to which it was providing out of agency service before January 1, 2001, as well as a list of out of agency services established after the effective date of Government Code Section 56133. The Executive Officer subsequently shall place the list of out of agency services on the agenda for the Commission at a regularly scheduled meeting for Commission review.

The Commission shall consider approving the pre-existing services retroactively at the existing level of service if the service can be substantiated by factual evidence. The Executive Officer shall maintain the list of retroactively approved pre-existing out of agency services as public information. Expansion or intensification of retroactively approved pre-existing services shall be considered a new request, subject to all the requirements of new outside service area requests.

City of Rio Dell and Sphere



675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



TO: Honorable Rio Dell City Council
FROM: Jim Stretch, City Manager
DATE: January 3, 2013
SUBJECT: Amend City of Rio Dell Employee Handbook

Recommended Council Action:

By motion, approve Resolution 1185-2013 to amend Employee Handbook (Resolution 1165-2012) as provided in Attachment "A"

Background

As the Council is aware, the personnel rules of an agency are constantly under review and subject to amendment as situations arise. The recommended amendments to the Rio Dell Employees Handbook as set forth in the attachment will add a number of provisions that were either overlooked when the old policy was replaced by the new policy on July 10, 2012, memorialize a number of unwritten personnel practices or address issues that have developed since the new policy was adopted.

The recommended provisions are have been reviewed by Department Heads, the Employees' Association and the Police Officers Association and have been reviewed and approved by the City Attorney.

Attachment: Attachment "A" Employee Handbook amendments
Resolution 1185-2013for amendments

ATTACHMENT "A"

AMENDMENTS TO EMPLOYEE HANDBOOK

1-3-2013

1. Add "Section for ACTING PAY as follows:

An employee shall be required to perform the duties of his/her supervisor when the supervisor is absent from the position and upon specific written assignment by the City Manager. Employees so assigned shall be compensated at an additional rate of one-half the difference between his/her present rate of pay and that of the beginning rate of the supervisor, expressed at an hourly rate; provided however, that the employee shall only receive such additional compensation after the 10th consecutive work day in the assignment. The employee's entitlement to the additional rate of pay shall end immediately upon termination of the written assignment.

Employees required to have special certification or licensing beyond that required in their current position in order to assume the duties of the supervisor shall be compensated as set forth above at the beginning step of the "A" step of the supervisor's pay classification on the first day of the assignment. During such assignment the acting employee shall be compensated for overtime at straight time (new hourly rate) only and shall not be subject to the terms of any Employees' Association Memorandum of Understanding during the interim assignment.

2. Amend paragraph 1 of Section 3.31-- PROBATION PERIOD as follows:

The City of Rio Dell has a probation period for new employees, rehired employees, promoted employees, employees that are transferred from one position to another, and demoted employees, whether voluntary demotion or otherwise. During the probation period, we will evaluate your work habits and abilities to make sure

that you can perform your job satisfactorily. The probationary period also gives you time to decide if the new job meets your expectations.

Amend paragraph 2 of Section 3.31 as follows:

The probation period for all new and rehired employees shall be one (1) year after their hire date. The Department Head of a probationary employee shall file a performance report with the City Manager at the end of the third, sixth, ninth and twelfth month.

The probation period for all other appointments mentioned above is six (6) months from the date of the change in status. The Department Head of the probationary employee shall file a performance report with the City Manager at the end of 30th day and the third and sixth month during said probation period.

3. Add paragraph 3 to Section 3.31 as follows:

It shall be the duty of the appointing authority to recommend at any time during the probationary period the termination of a probationary employee if their conduct warrants termination under any criteria set forth in Section 3.36 of this Handbook (Termination, Discipline and Rules of Conduct). Regardless of qualification or performance, a probationary employee may have his/her employment terminated at any time by the City with or without cause, for any reason or no stated reason at all, and the employee shall not have the right to appeal the determination. The City Manager shall make the final decision as to whether an employee is advanced from probationary status to non-probationary employment.

Add paragraph 4 to Section 3.31 as follows:

A permanent employee who vacated his/her position to accept a probationary appointment in a position of a different class and who was terminated during the probationary period shall have the right of reinstatement to their last position prior to appointment, unless

their performance in that position was less than satisfactory at the time of moving to the probationary position.

4. Establish the last paragraph of Section 3.31 to read as separate Section 3.32 **RESIGNATION**

“Resignation means that you voluntarily terminate.....and replace you if necessary”. (No change in text)

5. Amend section 3.37 TYPES OF APPOINTMENTS AND INITIAL SALARY to add the following:

1. No change

2. Reinstatements

Any permanent employee who has resigned from the City service in good standing with at least a satisfactory performance rating may be reinstated to a position in the same or a similar class within one (1) year from the date of separation on approval of the City Manager, if an opening exists. The employee so reinstated shall receive no credit for past time served with the City for purposes of sick leave or vacation accrual.

3. Transfers

No person shall be transferred to a position for which he/she does not possess the minimum qualifications.

If the transfer involves a change from one department to another, both Department Heads must consent to the change unless the City Manager orders the transfer for purposes of economy and efficiency. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction either directly or indirectly, each of which may be accomplished only as provided in this Handbook.

4. Promotion

Insofar as consistent with the best interests of the City, the City Manager shall determine if a vacancies in the City service is to be filled by promotion from within the City service or filled by an open-competitive

examination, in which case he/she shall arrange for an open-competitive examination and prepare an employment list based thereon.

5. Involuntary Demotion

The City Manager may demote an employee whose ability to perform the required duties falls below acceptable standards, or in connection with disciplinary action. No employee shall be demoted to a position for which he/she does not possess the minimum qualifications. Involuntary demotions shall be made in accordance with disciplinary procedures promulgated under Section 3.36 herein.

6. Voluntary Demotion

An employee may request demotion to a position in a lower class and commensurate salary. The City Manager may approve a step in the salary range above the "A" step as provided in Section 3.34. Such demotion may be permitted upon the approval of the City Manager.

7. Suspension

The City Manager or Department Head may suspend an employee for disciplinary purposes with or without pay. During the investigation phase of employee conduct that may lead to disciplinary action, such suspensions shall be with pay. Suspension without pay shall not exceed thirty (30) calendar days.

8. Probationary Appointments

Probationary appointment shall be made with the approval of the City Manager.

9. Employee Anniversary Date

Each employee shall be assigned an anniversary date consisting of the day, month and year of his initial permanent appointment to the City service.

10. Pay Rate following Promotion

An employee receiving a promotion shall be entitled to the rate of pay at the range to which the employee is being promoted. The employee shall be paid at a step in the range that awards them with a 5% increase in pay from the position from which they were promoted.

6. Amend section 5.04 COMPENSATION PLAN to add the following:

Generally speaking, the City establishes benchmarks classifications for salary administration purposes. And, within those classification may be a series of positions at the entry and journeyman levels, i.e. Utility Worker I & II. As a rule, the salary at the "A" step in the range of the II level will be 10% greater that the "A" step of the I level. And, in any range there shall be a 3% difference in the steps "A" through "E", which is to say that the step "E" of a range is 15% greater that the "A" step. Furthermore, the rule is that the salary of a supervisor of employees is at least 15% more that the salary of his/her highest paid subordinate.

Upon a promotion in a classification that has a series, noted by an entry level I designation and a journey level at II, the salary step at promotion is to a step in the new range that provides the employee with an increase in salary equal to a normal step increase. If the increase is less than a normal step increase, the salary step increase at promotion shall be at the next highest step.

RESOLUTION NO. 1185-2013

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF RIO DELL ADOPTING AMENDEMENTS TOTHE CITY
OF RIO DELL EMPLOYEE HANDBOOK

WHEREAS, the Employee Handbook is intended to help employees get acquainted with the City of Rio Dell and provide information about its employment practices; and

WHEREAS, the objective of the Handbook is to facilitate efficient and economical services to the public and to provide for a fair and equitable system of personnel management in municipal government; and

WHEREAS, the Employees Handbook was approved by the Rio Dell City Council on July 10, 2012 by Resolution 1065-2012; and

WHEREAS, employee rules in the Handbook have need for amendment from time to time to update policies and address unforeseen circumstances.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Rio Dell does hereby adopt amendments to the City of Rio Dell Handbook attached hereto as "Attachment A" to the City Council staff report of this same date.

PASSED AND ADOPTED this 3rd^h day of January 2013 by the following vote:

AYES:	Mayor Woodall, Councilmembers Leonard, Marks, Thompson, Wilson
NOES:	None
ABSTAIN:	None
ABSENT:	None

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



TO: Honorable Rio Dell City Council

FROM: Jim Stretch, City Manager

DATE: January 3, 2013

SUBJECT: Membership in League of California Cities

Recommended Council Action:

1. Approve becoming a member of the League of California Cities with membership dues to be budgeted at \$2,579 in the City Council's budget for calendar 2013.
2. Adopt Supplemental Budget Resolution No. 1188 in the amount of \$2,579 for League of California Cities dues for calendar year 2013, said revenue transferred from the General Fund Reserve in like amount.

Background

In prior years the City of Rio Dell was a member of the League of California Cities. Apparently as a budget cutting measure membership was dropped, knowing that the city would still get the benefit of the League's work at no cost. While true, the city does benefit from their legislative and ballot advocacy in the state capital, as well benefit from litigation undertaken in the defense of local revenues. In my view the city should share in the cost of its representation.

Attached is a "benefits flyer" from the League as well as an "investment report" indicating that Rio Dell had \$1,394,224 of local revenue in jeopardy over the last 8 years that the League fought for during the state budget battles. Also included is a dues invoice in the amount of \$2,578.40 for calendar year 2013.

RESOLUTION NO. 1188-2013

**A RESOLUTION OF THE CITY COUNCIL OF RIO
DELL, AMENDING THE CITY BUDGET TO
JOIN THE LEAGUE OF CALIFORNIA CITIES**

WHEREAS, the Rio Dell City Council adopted its 2012-2013 Budget on June 19, 2012 without funds for membership in the League of California Cities; and

WHEREAS, the League of California Cities represents the City's interest in the State Capital, protecting local control and local discretionary revenue as well as providing legislative, ballot and legal advocacy on a daily basis, and

WHEREAS, the City of Rio Dell does have a General Fund Reserve with a balance of approximately \$1,000,000 that can be used for such dues.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Rio Dell hereby adopts this Resolution to amend the City Council budget in the amount of \$2,579 for the League of California Cities dues for calendar year 2013, with revenues in like amount being transferred from the General Fund Reserve (00).

APPROVED this day of by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Julie Woodall, Mayor

Attest:

Karen Dunham, City Clerk

December 7, 2012

TO: City Managers and City Clerks in non-manager cities

FROM: Officers of the League of California Cities
Bill Bogaard, President, and Mayor of Pasadena
José Cisneros, First Vice-President, and Treasurer of San Francisco
Tony Ferrara, Second Vice-President, and Mayor of Arroyo Grande
Mike Kasperzak, Past President, and Mayor of Mountain View
Chris McKenzie, Executive Director

SUBJECT: League Dues for 2013—No Increase!
Voluntary Surcharge to Support Vital Litigation

Thank you for your City's membership in the League of California Cities. Enclosed please find your city's customized 2013 dues statement and related supporting documentation.

League Membership—A Great Investment

The value your city derives from membership in the League of California Cities makes the payment of League dues a wise investment. Please review the enclosed customized "Return on Investment" report for your city. It reflects financial benefits your city enjoys as a direct result of the League's legislative and ballot measure advocacy. A strong and effective League is central to your city's continued strength and vitality.

Benefits of Membership

The League is the leading advocate for California cities. Protecting local control remains the cornerstone of League activities as we work in concert with cities, partners, and coalition members. Please find the enclosed "Benefits of Membership in the League of California Cities," a summary of the more significant benefits cities and city officials receive from League membership.

Litigation Strategy to Defend Revenue Protections

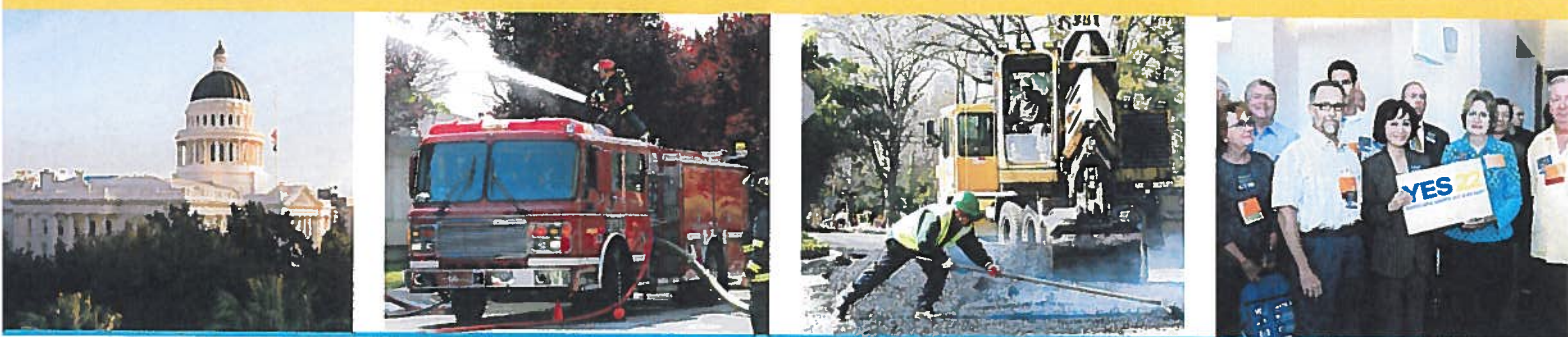
The League and city officials have invested tremendous human and financial resources over the past decade to secure meaningful constitutional protection of city revenue sources. Proposition 1A and Proposition 22 represent the will of the voters and significant victories for local control. However, it is now clear that defending and enforcing these protections will require vigilance and even litigation, possibly on a repeated basis, until the protections are generally understood and respected, especially by the Legislature and Administration.

*Our mission is to expand and protect local control for cities
through education and advocacy to enhance the quality of life for all Californians.*

Benefits of Membership in the League of California Cities



Founded in 1898, the League is the leading local control advocate for California cities. Through the League, cities collectively marshal the resources to defend and expand local control in the Legislature, at the ballot box, in the courts and through strategic outreach to inform and educate the public, policymakers and opinion leaders. League engagement has provided and protected hundreds of millions of dollars in revenue for cities in recent years and preserved local control against many threats to the land-use, employee relations and other authority of cities. All this is possible only through the collective involvement of virtually every city statewide.



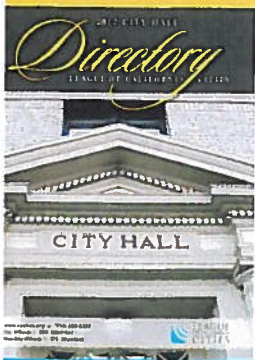
Among the many significant benefits cities receive from their League membership are:

Legislative and Ballot Measure Advocacy. A team of Sacramento-based and 16 field staff work with city officials to advocate for local control and secure fiscal resources for cities in both Sacramento and Washington, D.C. The League helped lead successful ballot measure campaigns in 2004, 2006, 2008 and 2010 that protected local tax funds and land-use authority.

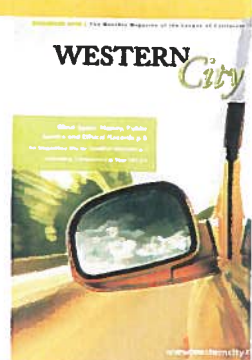
Member-Driven Policies and Services. League policies and priorities are formulated and established by mayors, council members and other officials from member cities who serve on the League board of directors, policy committees, divisions, departments, caucuses and task forces.

Legal Advocacy. The League conducts an active legal advocacy program in support of California cities. Members may request amicus support in cases to which they are a party if statewide interests are at stake. During 2011 and 2012, the League participated in 94 cases on behalf of member cities in federal and state courts, in addition to 10 requests for formal review and input from the California Attorney General. The League also filed lawsuits to challenge the constitutionality under Propositions 1A and 22 of the 2011 diversion of Vehicle License Fee funds from cities and the sales and property tax clawbacks in the 2012 redevelopment budget trailer bill.

Discounted Conference/Seminar Registration. Members receive deep discounts (\$1,000) on registration fees for conferences and seminars, including the League Annual Conference & Expo, the City Managers' Conference, City Attorneys' Conference and other yearly meetings.



Local Leadership Toward
Solving Climate Change



Leadership Opportunities. Elected city officials and staff from member cities may serve on League policy committees, the board of directors (staff representing their professional department) and as officers of the diversity caucuses. Staff may hold a leadership/officer position in their professional department, and elected officials may serve as officers of the League's 16 regional divisions.

Information. The League invests in comprehensive research on both city fiscal matters and other issues by conducting strategic surveys and substantive analyses of policy. Sponsored by the League, the League's Fiscal Consultant Michael Coleman publishes extensive data, statistics and analyses of California city and county finance, tax election results and more at the California Local Government Finance Almanac (www.CaliforniaCityFinance.com). League surveys focus on important city policies such as compensation, fiscal priorities, local services and more.

Research and Best Practices. The Institute for Local Government (www.ca-ilg.org) is the League's non-profit research and education affiliate that promotes good government at the local level with practical, impartial and easy-to-use resources for California communities.

Publications. The League's publications, such as *Open and Public IV*, *The People's Business*, *The Municipal Law Handbook* and *The Proposition 218 Implementation Guide*, are considered the definitive sources on critical aspects of city government operations. The League's annual *City Hall Directory* provides contact information for every elected city official and key city department heads.

Recognition for Innovation. Member cities may seek prestigious recognition for innovation through both the League's Helen Putnam Award program (www.HelenPutnam.org) and the Institute for Local Government's Sustainability and Climate Change Beacon Award (www.ca-ilg.org/BeaconAward).

Relevant Communications. The League's newly redesigned website (www.cacities.org) serves as a major clearinghouse of news and information related to city issues and policy. Through League listservs, city officials may exchange best practices and other information. Members receive *CA Cities Advocate*, the League's almost-daily electronic newsletter; *Western City*; the League's award-winning monthly magazine; and announcements of educational and networking opportunities; and updates on legislative developments. The League's effective use of the social media platforms Facebook and Twitter keeps the membership updated in real time on developments in the Capitol and throughout California that affect cities.



1400 K Street, Suite 400, Sacramento, CA 95814
(916) 658-8200 | www.cacities.org

www.facebook.com/leagueofcacities

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Michael
Cebrian
758-3952
1-530-758-3952

LEAGUE OF CALIFORNIA CITIES

LEAGUE MEMBERSHIP -- A GREAT INVESTMENT

Customized Return on Investment Report
December 2012

Rio Dell	FY2005-06	FY2006-07	FY2007-08	FY2008-09	FY2009-10	FY2010-11	FY2011-12	FY2012-13	Total
Rio Dell's Dues	2,184	2,275	2,344	2,344	2,344	2,344	2,344	2,344	18,523
VLF/PropertyTax Swap ⁽¹⁾	18,627	58,492	93,832	132,426	158,479	166,109	151,275	156,567	935,808
Prop. 42 (local streets)	14,463	23,669	0	28,298	31,063	0	0	0	97,492
HUTA state taking blocked					61,383	0	0	0	61,383
HUTA and Prop. 42 protected by Prop. 22 ⁽²⁾						81,908	102,470	90,227	274,604
Property Tax loan securitized / prohibited by Prop. 22 ⁽³⁾					35,497				35,497
VLF shift prohibited by Prop. 22 ⁽⁴⁾						13,399			13,399
SB89 VLF Shift (Now under litigation)							-11,759	-12,200	-23,959
Redevelopment TI protected by Prop. 22						n/a			0
Redevelopment Disolution (net of ROPS) ⁽⁵⁾							n/a	n/a	0
Total Return	33,090	82,161	93,832	160,724	286,422	261,416	241,986	234,593	1,394,224
Rate of Return	15:1	36:1	40:1	69:1	122:1	112:1	103:1	100:1	75:1

1. Net gain in revenues by virtue of the VLF/Property Tax Swap. Growth in PropTax in Lieu of VLF versus estimated growth in VLF had it remained.
2. Prop. 22 ended the Legislature's ability to borrow or delay HUTA and Prop. 42 gas tax funds.
3. Prop. 22 ended the Legislature's ability to borrow local property taxes. The FY09-10 loan was securitized. Under Prop1A('04) another borrowing could have occurred in 3 years.
4. Prop. 22 ended the Legislature's ability to shift revenue allocations from the 0.65% state Vehicle License Fee.
5. Estimated redevelopment TI net of pass through payments and ROPS returned to local agencies other than the city via property tax apportionment shares.

~ ~ ~ ~ ~

Our mission is to expand and protect local control for cities through education and advocacy
to enhance the quality of life for all Californians.

INVOICE



1400 K Street, Sacramento, California 95814
Phone: 916.658.8200; Fax: 916.658.8240
www.cacities.org

To: City Manager
City of Rio Dell
675 Wildwood Avenue
Rio Dell, CA 95562

Invoice: 126577

Terms: Jan. 31, 2013

<u>Date</u>	<u>Description</u>	<u>Amount</u>
December 7, 2012	Membership dues for calendar year 2013	\$2,344.00
	Optional litigation surcharge (10%)	\$234.40
	Total Amount	\$2,578.40
	City of Rio Dell	
	Official Population 3,344	

Strategic Priorities for 2013

- Build lasting partnerships with state policy-makers and others.
- Expand community economic development tools and funding options for city services.
- Continue pension and other post-employment benefits (OPEB) reform.

Our mission is to expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

League Membership - Your Best Investment

www.cacities.org

**Please make checks payable to
LEAGUE OF CALIFORNIA CITIES
and mail to the above Sacramento address.**

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: January 3, 2013

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: December 21, 2012

Subject: Medical Marijuana Regulations

Recommendation:

That the City Council:

1. Receive staff's report regarding establishing Medical Marijuana Regulations (Ordinance 299-2012); and
2. Open the public hearing, receive public input and deliberate; and
3. Introduce Ordinance No. 299-2013 establishing Medical Marijuana Regulations, Section 17.30.155 of the Rio Dell Municipal Code and continue consideration of the proposed Ordinance to your meeting of January 15, 2013 for the second reading and adoption.

Summary

Staff was directed to prepare Medical Marijuana Regulations to regulate the cultivation of medical marijuana for personal use in residences and detached accessory buildings.

The purpose of the Medical Marijuana Regulations is to ensure that the cultivation of medical marijuana for personal use is conducted in a manner that is consistent with State law and which promotes the health, safety, comfort, convenience, and general welfare of the residents and businesses within the incorporated area of the City of Rio Dell.

The intent of the proposed Medical Marijuana Regulations is to balance the needs of patients and their caregivers to have access to medical marijuana; the needs of residents, businesses, and neighborhoods to be protected from public health, safety, and nuisance impacts that can accompany the residential cultivation and processing of medical marijuana for an individual

patient's use; and the need to eliminate, or at least limit to the extent possible, the harmful environmental impacts that can accompany marijuana cultivation.

It is the intent of the City that the Medical Marijuana Regulations not be construed to: allow persons to engage in conduct that endangers themselves or others, or causes a public nuisance as defined herein; allow the use or diversion of medical marijuana for non-medical purposes; or allow any activity relating to the cultivation, processing, distribution, or consumption of marijuana that is otherwise illegal under the laws of the State of California. This Code is not intended to criminalize any activity which is otherwise permitted under state law and it is not intended to authorize conduct that is otherwise prohibited by state law.

Due to the high monetary value placed upon marijuana, the County and local Cities have experienced a number of home invasion robberies, thefts, and violent crimes, including homicides, related to marijuana cultivation. To defend against theft and armed robbery, some growers of marijuana have taken to arming themselves, which creates the potential for gunfire in the residential areas where indoor cultivation of marijuana is frequently occurring.

The City has also experienced a number of residential fires from overloaded or improperly modified electrical systems used to power grow lights and exhaust fans for the cultivation of marijuana.

Widespread indoor cultivation of marijuana in the County and Cities has led to a decrease in needed rental housing stock, as rental homes are converted solely to structures to grow marijuana in, as well as excessive energy consumption to power the lights, fans, and other systems needed for a large indoor marijuana growing operation. As rental homes are converted to these grow structures, the character of the neighborhood around the grow structure deteriorates.

Marijuana that is grown indoors can lead to mold, mildew, and moisture damage to the building in which it is grown. Landlords, who thought they were renting a home for people to live in, later find that their property was turned into a structure to grow marijuana and extensively damaged by that use, requiring new flooring, walls, ceiling, electrical and plumbing work to return the home to a habitable state. Growing marijuana is susceptible to plant diseases, mold, mildew, and insect damage and may be treated with insecticides and herbicides that may harm human health when applied or when the chemical is disposed of in the trash or in the sewage disposal system.

Cultivation of marijuana may also result in private or public nuisances. Whether grown indoors or outdoors, marijuana plants, particularly as they mature, produce a distinctive odor that is often detectable far beyond property boundaries. This strong, distinctive odor can interfere with neighboring owners' use and enjoyment of their property. In addition, this odor of growing or "green" marijuana may alert malefactors to the location where marijuana is grown and thereby create the risk of burglary and robbery at that location.

Staff has reviewed the City's of Arcata's and Eureka's and the County's medical marijuana regulations. Both Eureka and Arcata have very similar regulations in terms of the allowable area, wattage and exception requests. Each jurisdiction's standards are based per residence.

Notwithstanding the exception provisions, staff's recommended Medical Marijuana Regulations pretty much mirror the other local jurisdictions regulations. Below is a summary of the recommended regulations and the County's, City's of Arcata's and Eureka's regulations:

Jurisdiction	Maximum Area	Maximum Height	Maximum Wattage	Outdoor Cultivation
City of Rio Dell	50 sq. ft.	10 ft.	1200	No
City of Eureka	50 sq. ft.	10 ft.	1200	No
City of Eureka w/Exception Request ¹	100 sq. ft.	10 ft.	2400	No
City of Arcata	50 sq. ft.	10 ft.	1200	No
City of Arcata w/Exception Request ¹	100 sq. ft.	10 ft.	2400	No
County of Humboldt	50 sq. ft.	10 ft.	1200	No

¹ Exception request based on more than one qualified patient living at the residence or physicians recommendation that the patient needs require more than 50 square feet of cultivation area.

It should be noted that the City's of Arcata and Eureka do not allow greenhouses for the cultivation of medical marijuana. Staff's recommendation includes greenhouses in the definition of *Detached Accessory Buildings*, provided they are fully enclosed, secure and lockable and have a roof supported by connecting walls extending continuously to a perimeter foundation or equivalent base to which the connecting walls are securely attached.

At their meeting on November 28th, the Planning Commission discussed the greenhouse provision and felt that the City should allow greenhouses because (1) they would prefer to see a greenhouse broken into rather than a residence; (2) greenhouses are not dependent on artificial light; and (3) bona fide low income patients cannot afford the electrical costs associated with grow lights.

The Planning Commission also discussed whether or not the City should allow exceptions to the area and wattage standards, similar to the City of Eureka and Arcata, due to a patient's needs based on a physician's recommendation. Both the City of Eureka and Arcata have not received any exception requests. Therefore, the Planning Commission chose not to recommend exception provisions to the area and wattage standards.

The recommended regulations are consistent with the adopted Humboldt County District Attorney's Prosecution Guidelines (Attachment 1). According to the Guidelines, patients or their caregivers cultivating marijuana indoors pursuant to Health and Safety Code Section 11362.5 will not be prosecuted if the cultivation:

- Is within 100 square feet cumulatively measured by the vegetative canopy; and
- Contains 99 plants or less, including starts; and
- Is using 1.5 kilowatts (1500 watts) or less of illumination by artificial growing lights of any kind.

Zone Reclassification Required Finding:

1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.

Section 65860(a) of the Government Code requires that zoning ordinances and amendments be consistent with the General Plan and any applicable specific plan. One of the primary purposes of a General Plan is protect the public the safety and welfare and to avoid nuisance impacts associated with various land uses.

There are no known General Plan Policies or Goals that would discourage or prohibit the adoption of Medical Marijuana Regulations. Therefore, the proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.

2. the proposed amendment will not have an adverse impact on the public health, safety and welfare and has been processed in accordance with the California Environmental Quality Act (CEQA).

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed amendment, staff believes there is no evidence to suggest that the amendment will have a significant effect on the environment.

Financial Impact

The City is responsible for the costs associated with the proposed amendment. The cost is insignificant and will not result in additional budget expenditures or revisions.

Alternatives

The City council may choose to modify the Planning Commission's recommendation, area, wattage and exception provisions.

Attachments:

1. Humboldt County District Attorney's Prosecution Guidelines.
2. Resolution No. PC 059-2012 recommending that the City Council approve and adopt Medical Marijuana Regulations, Section 17.30.155 of the Rio Dell Municipal Code (RDMC).
3. Draft Ordinance No. 299-2013 establishing Medical Marijuana Regulations, Section 17.30.155 of the Rio Dell Municipal Code (RDMC).

HUMBOLDT COUNTY DISTRICT ATTORNEY'S
HEALTH & SAFETY CODE §§ 11357 - 11360, PROSECUTION GUIDELINES

INTRODUCTION:

Health & Safety Code §§ 11357 through 11360 provide generally that it is illegal to possess, cultivate, transport, distribute, or import marijuana in or into the state of California. Health & Safety Code § 11362.5 (Also known as Proposition 215 and/or the Compassionate Use Act of 1996) provides limited immunity from the prosecution of possession and cultivation of marijuana. The stated purposes of section 11362.5 are:

(i) To ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which marijuana provides relief. (Herein medical marijuana.) (*Health & Safety Code § 11362.5(B), Emphasis added.*)

(ii) To ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction. (*Health & Safety Code § 11362.5(B), Emphasis added.*)

The goal and the purpose of these guidelines are:

(i) To provide for the public safety and security of the people of Humboldt County.

(ii) To fairly and consistently apply the law equally to all people of Humboldt County.

(iii) To ensure that the right of anyone with a recommendation from a physician to obtain and use marijuana for medical purposes (herein patients) is honored and respected in Humboldt County.

(iv) To ensure that patients and their primary caregivers are not subject to unnecessary criminal prosecution or sanction for legal cultivation and/or possession of marijuana.

(v) To provide guidelines regarding medical marijuana to all concerned: patients, caregivers, physicians and law enforcement agencies so that mutual rights, privileges and responsibilities may be mutually understood, honored and respected.

The Humboldt County District Attorney's Office will not prosecute patients whose use and possession of medical marijuana are within these guidelines.

GUIDELINES

GENERALLY:

It is presumed, based on various government and non-governmental sources, that a patient will use up to three (3) pounds of processed usable marijuana per year.¹ Therefore, these guidelines are intended to allow for the cultivation and use of up to three (3) pounds of marijuana per year.

Outdoor cultivation provides the opportunity for only one (1) harvest per year while indoor cultivation provides the opportunity for up to three (3) harvests per year. These guidelines distinguish between outdoor and indoor cultivation, presume three (3) indoor harvests per year and treat outdoor and indoor harvests differently, but with the goal to provide for the use and cultivation of up to three (3) pounds of dried usable marijuana for patients per year whether through outdoor or indoor cultivation.

¹ The federal Investigational New Drug (IND) program provides patients with 10 to 12 medical marijuana cigarettes per day -- from 5.6 to 7.23 pounds per year of processed usable marijuana which amounts to 8.24 grams per day, or 6.63 pounds per year.

OUTDOOR CULTIVATION:

Patients or their caregivers cultivating marijuana in an area within one hundred (100) square feet cumulatively measured by the vegetative canopy of the plants and who have ninety-nine (99) plants or less, including starts, shall be deemed within the District Attorney's prosecution guidelines and will not be prosecuted.

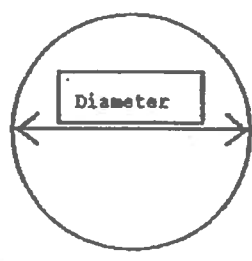
This limit applies to marijuana grown in a greenhouse, provided it is without the benefit of artificial light sources of any kind.

In measuring canopy diameter to determine compliance, the following approximate figures may be used:^{2 3}

<u>Plant Canopy Diameter</u> <u>(Width in feet)</u>	<u>Approximate</u> <u>Square feet</u>	<u>Approximate number of</u> <u>plants of equal square feet</u> <u>in 100 square feet</u>
1	1	99
2	3	33
3	7	14
4	13	7
5	20	5
6	28	3
7	38	2
8	50	2
9	64	1
10	79	1
11	95	1

² Actual Square foot per diameter: Area = diameter squared x 0.7854, e.g. Plant Diameter = 30", Area = (30 x 30) x 0.7854, Area = 900 x 0.7854, Area = 706.86 square inches, Area = 706.86 ÷ 144, (144 square inches per square foot), Area = 4.9 square feet.

³ To arrive at plants of equal size per 100 square feet divide 100 by square feet of plants, e.g., 30" plant diameter = 4.9 square feet, 100 ÷ 4.9 = 20.40 plants of 30" diameter in 100 square feet.



- Measuring Diameter

Summary:

Patients or their caregivers cultivating marijuana outdoors pursuant to *Health & Safety Code* § 11362.5, will not be prosecuted if the cultivation:

i. Is within 100 square feet cumulatively measured by vegetative canopy; and

ii. Contains 99 plants or less, including starts.

INDOOR CULTIVATION:

Patients or their caregivers cultivating marijuana in an area within one hundred (100) square feet cumulatively measured by the vegetative canopy of the plants and who ninety-nine (99) plants or less, including starts, and who are using one and one half (1.5) kilowatts (1500 watts) or less of illumination by artificial growing lights of any kind shall be deemed within the District Attorney's prosecution guidelines and will not be prosecuted.

Summary:

Patients or their caregivers cultivating marijuana indoors pursuant to *Health & Safety Code* § 11362.5, will not be prosecuted if the cultivation:

i. Is within 100 square feet cumulatively measured by vegetative canopy; and

ii. Contains 99 plants or less, including starts; and

iii. Is using 1.5 kilowatts (1500 watts) or less of illumination by artificial growing lights of any kind.

PROCESSED MARIJUANA:

Patients or their caregivers who possess three (3) pounds or less of processed useable marijuana will be deemed within the District Attorney's prosecution guidelines and will not be prosecuted.

Unharvested plants are not to be included in this weight.

The District Attorney's Office recognizes that possession of certain amounts of cannabis product such as baked goods, tinctures, concentrated cannabis, infusions, salves and other cannabis derivatives may be consistent with medicinal use. However, such possession must necessarily and will be treated on a case by case basis with deference to state laws which prohibit possession of those products.

DOCUMENTATION:

A prompt and noninvasive determination of whether cultivation and/or possession is legal or illegal can best be accomplished with the cooperation of all parties involved. Therefore, the District Attorney's Office recommends that physician recommendations and/or other supporting documentation be conspicuously posted at cultivation sites and that such documentation or a copy of the documentation be carried with the patient and caregiver at all times. Failure to post and carry such documentation may result in unnecessary legal fees and costs and/or criminal prosecution.

The District Attorney's Office recognizes that under *Health & Safety Code* § 11362.5, an individual may qualify as a patient by an oral recommendation. However, a prompt and noninvasive determination of whether cultivation and/or possession is legal or illegal is best accomplished with a written recommendation. Therefore, the District Attorney's Office recommends that patients and caregivers obtain written recommendations.⁴

4. The Humboldt County Public Health Department has a patient card program. Participation in the program is voluntary and is not required by law or these guidelines. However, obtaining a card may enable a patient and caregiver to avoid arrest, legal fees and costs and prosecution.

PHYSICIAN RECOMMENDATIONS:

The District Attorney's Office recognizes that citizens have the right to choose their physicians and that their communications with them are privileged. Therefore, the District Attorney's Office will honor the possession of a valid physician's recommendation regardless of whether that physician resides in Humboldt County. Further, disclosure of confidential physician-patient communications will not be deemed a waiver of the physician-patient privilege by the District Attorney's Office.

ENFORCEMENT OPTIONS:

The District Attorney's Office does not regulate or advise law enforcement except as is explicitly provided by law. The following are suggestions to minimize the risk of unnecessary governmental destruction of private property and intrusion.

Health & Safety Code § 11362.5 provides that a physician can recommend marijuana use for "any illness for which marijuana provides relief." Physician-patient communications are privileged. Inquiry into the patient's physician-patient communications should be avoided unless necessary to obtain medical care for the patient.

Both the United States and the California Constitutions prohibit governmental taking without due process and compensation. Therefore, if an officer or officers believe marijuana cultivation and/or possession is pursuant to *Health & Safety Code* § 11362.5, but that the cultivation and/or possession exceeds these guidelines, the officer or officers should only seize that amount in excess of the guidelines.

These guidelines nullify any existing guidelines and shall remain in effect until further clarified by statute, case law or written revision by the District Attorney's Office.

NOTICE:

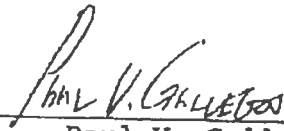
These guidelines and the policy they embody reflect the position of the Humboldt County District Attorney's Office only. Persons using or considering the use of marijuana, its possession, transportation or recommendation must be aware that the policies of other counties within may differ. More significantly, the federal government and other states

criminalize marijuana and all activities associated with its possession, cultivation, use, transportation, distribution and sale. These guidelines offer no protection against actions brought by other agencies.

Dated:

2/14/03

By:



Paul V. Gallegos
District Attorney,
Humboldt County

RESOLUTION NO. PC 059-2012

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING APPROVAL OF MEDICAL MARIJUANA REGULATIONS, SECTION
17.30.155 OF THE RIO DELL MUNICIPAL CODE:**

WHEREAS one of the primary purposes of a General Plan is protect the public safety and welfare and to avoid nuisance impacts associated with various land uses; and

WHEREAS the intent of the proposed Medical Marijuana Regulations is to balance the needs of patients and their caregivers to have access to medical marijuana; the needs of residents, businesses, and neighborhoods to be protected from public health, safety, and nuisance impacts that can accompany the residential cultivation and processing of medical marijuana for an individual patient's use; and the need to eliminate, or at least limit to the extent possible, the harmful environmental impacts that can accompany marijuana cultivation; and

WHEREAS it is the intent of the City that the Medical Marijuana Regulations not be construed to: allow persons to engage in conduct that endangers themselves or others, or causes a public nuisance as defined herein; allow the use or diversion of medical marijuana for non-medical purposes; or allow any activity relating to the cultivation, processing, distribution, or consumption of marijuana that is otherwise illegal under the laws of the State of California; and

WHEREAS widespread indoor cultivation of marijuana in the County and Cities has led to a decrease in needed rental housing stock, as rental homes are converted solely to structures to grow marijuana in, as well as excessive energy consumption to power the lights, fans, and other systems needed for a large indoor marijuana growing operation. As rental homes are converted to these grow structures, the character of the neighborhood around the grow structure deteriorates; and

WHEREAS the cultivation of marijuana may also result in private or public nuisances. Whether grown indoors or outdoors, marijuana plants, particularly as they mature, produce a distinctive odor that is often detectable far beyond property boundaries; and

WHEREAS the purpose of the Medical Marijuana Regulations is to ensure that the cultivation of medical marijuana for personal use is conducted in a manner that is consistent with State law and which promotes the health, safety, comfort, convenience, and general welfare of the residents and businesses within the incorporated area of the City of Rio Dell; and

WHEREAS the City has reviewed and processed the proposed Medical Marijuana Regulations in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed Medical Marijuana Regulations in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed Medical Marijuana Regulations are deemed to be in the public interest; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed Medical Marijuana Regulations are consistent and compatible with a comprehensive view of the General Plan and any implementation programs that may be affected; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed Medical Marijuana Regulations has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed Medical Marijuana Regulations has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the City has determined that the proposed Medical Marijuana Regulations are Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Rio Dell recommends:

1. That the proposed Medical Marijuana Regulations are in the public interest and consistent with an overall comprehensive view of the General Plan; and
2. That based on evidence on file and presented in the staff report that the potential impacts of the proposed Medical Marijuana Regulations have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and
3. That based on the nature of the project, the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment; and
4. That the City Council approve and adopt the proposed Medical Marijuana Regulations.

PASSED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of November 28, 2012 by the following vote:

AYES: Millington, Long, Chapman, Angeloff, Johnson
NOES:
ABSENT:
ABSTAIN:



Gary Chapman, Chair Pro Tem

ATTEST:



Karen Dunham, City Clerk

ORDINANCE NO. 299 - 2013

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
ESTABLISHING MEDICAL MARIJUANA REGULATIONS, SECTION 17.030.155 OF THE RIO
DELL MUNICIPAL CODE:**

THE CITY COUNCIL OF THE CITY OF RIO DELL DOES ORDAIN AS FOLLOWS:

WHEREAS the purpose and intent of the Medical Marijuana Regulations is to regulate the cultivation of medical marijuana for personal use in a residence, detached accessory building; and

WHEREAS it is the intent of the City to balance: the needs of patients and their caregivers to have access to medical marijuana; the needs of residents, businesses, and communities to be protected from public health, safety, and nuisance impacts that can accompany the residential cultivation and processing of medical marijuana for an individual patient's use; and the need to eliminate, or at least limit to the extent possible, the harmful environmental impacts that can accompany marijuana cultivation; and

WHEREAS it is the intent of the City that the cultivation of medical marijuana for personal use be conducted in a manner that is consistent with State law and which promotes the health, safety, comfort, convenience, and general welfare of the residents and businesses within the incorporated area of the City of Rio Dell.; and

WHEREAS the City has reviewed and processed the proposed Medical Marijuana Regulations in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed Medical Marijuana Regulations in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed Medical Marijuana Regulations are deemed to be in the public interest; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed Medical Marijuana Regulations are consistent and compatible with a comprehensive view of the General Plan and any implementation programs that may be affected; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed Medical Marijuana Regulations has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed Medical Marijuana Regulations has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the City has determined that the proposed Medical Marijuana Regulations is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Rio Dell:

1. Finds that the proposed Medical Marijuana Regulations are in the public interest and consistent with an overall comprehensive view of the General Plan; and
2. Finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed Medical Marijuana Regulations have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and
3. Finds that based on the nature of the project, the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment.
4. Approves and adopts the proposed Medical Marijuana Regulations.

BE IT FURTHER RESOLVED, that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1.

Section 17.030.155 is hereby established as follows:

Section 2.

17.030.155 Medical Marijuana Regulations

(1) Authority and Title. Pursuant to the authority granted by Article XI, section 7 of the California Constitution, California Government Code Section 38773.5, and California Health and Safety Code Sections 11362.83 and 11362.768(f), the City Council does hereby enact this Code, which shall be known and may be cited as the "Medical Marijuana Regulations".

(2) Purpose and Intent. The purpose and intent of the Medical Marijuana Regulations is to regulate the cultivation of medical marijuana for personal use in a residence and detached accessory buildings.

It is the intent of the City that the cultivation of medical marijuana for personal use be conducted in a manner that is consistent with State law and which promotes the health, safety, comfort, convenience, and general welfare of the residents and businesses within the incorporated area of the City of Rio Dell.

It is the intent of the City to balance: the needs of patients and their caregivers to have access to medical marijuana; the needs of residents, businesses, and communities to be protected from public health, safety, and nuisance impacts that can accompany the residential cultivation and processing of medical marijuana for an individual patient's use; and the need to eliminate, or at least limit to the extent possible, the harmful environmental impacts that can accompany marijuana cultivation.

It is the intent of the City that the Medical Marijuana Regulations not be construed to: allow persons to engage in conduct that endangers themselves or others, or causes a public nuisance as defined herein; allow the use or diversion of medical marijuana for non-medical purposes; or allow any activity relating to the cultivation, processing, distribution, or consumption of marijuana that is otherwise illegal under the laws of the State of California. This Code is not intended to criminalize any activity which is otherwise permitted under state law and it is not intended to authorize conduct that is otherwise prohibited by state law.

(3) Findings. The City Council hereby finds and declares the following:

(a) In 1996, California voters approved Proposition 215 (codified as Health and Safety Code Section 11362.5, and entitled "The Compassionate Use Act of 1996").

(b) The intent of the Compassionate Use Act is to permit the cultivation and possession of medical marijuana for the personal use of a seriously ill patient without fear of criminal prosecution against the patient, the patient's caregiver or the physician who recommended medical marijuana for the patient. The Act further provides that "nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes."

(c) In 2004, Senate Bill 420 (codified as Health and Safety Code sections 11362.7 et seq. and known as the "Medical Marijuana Program Act" or "MMPA") was enacted to clarify the scope of the Compassionate Use Act.

(d) The Compassionate Use Act (Section 11362.5, Health and Safety Code) expressly anticipates the enactment of local legislation. It provides: "Nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, not to condone the diversion of marijuana for nonmedical purposes."

(e) Neither the Compassionate Use Act nor the Medical Marijuana Program Act address land use or building code issues that may arise from the residential cultivation or processing of medical marijuana for personal use within the County.

(f) In February 2003, the Humboldt County District Attorney's Office issued its Prosecution Guidelines regarding the cultivation, possession and use of medical marijuana.

(g) In August 2008, the California Attorney General issued *Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use* that were intended to further clarify California laws governing medical marijuana, and provide guidelines for patients and law enforcement to ensure that medical marijuana is not diverted for non-medical purposes.

(h) The Federal Controlled Substances Act (codified as 21 U.S.C. sections 801 et seq.) is a regulatory system designed to combat recreational drug abuse by making it unlawful to manufacture, distribute, dispense, or possess any controlled substance. The Act lists marijuana as a controlled substance, classifying it as a Schedule I Drug, which is defined as a drug or other substance that has a high potential for abuse, which has no currently accepted medical

use in treatment, and has not been accepted as safe for use under medical treatment.

(i) The United States Congress has provided that states are free to regulate in the areas of controlled substances, including marijuana, provided that state law does not positively conflict with the Controlled Substances Act (see 21 U.S.C. 903). The California Attorney General, citing to California case law, has opined that neither the Compassionate Use Act nor the Medical Marijuana Program Act conflict with the Controlled Substances Act because, in adopting these laws, California did not legalize medical marijuana, but instead exercised the state's reserved powers to not punish certain marijuana offenses under state law.

(j) Due to the high monetary value placed upon marijuana, the County and local Cities have experienced a number of home invasion robberies, thefts, and violent crimes, including homicides, related to marijuana cultivation. To defend against theft and armed robbery, some growers of marijuana have taken to arming themselves, which creates the potential for gunfire in the residential areas where indoor cultivation of marijuana is frequently occurring. The City has also experienced a number of residential fires from overloaded or improperly modified electrical systems used to power grow lights and exhaust fans for the cultivation of marijuana.

(k) Widespread indoor cultivation of marijuana in the County and Cities has led to a decrease in needed rental housing stock, as rental homes are converted solely to structures to grow marijuana in, as well as excessive energy consumption to power the lights, fans, and other systems needed for a large indoor marijuana growing operation. As rental homes are converted to these grow structures, the character of the neighborhood around the grow structure deteriorates.

(l) Marijuana that is grown indoors can lead to mold, mildew, and moisture damage to the building in which it is grown. Landlords, who thought they were renting a home for people to live in, later find that their property was turned into a structure to grow marijuana and extensively damaged by that use, requiring new flooring, walls, ceiling, electrical and plumbing work to return the home to a habitable state. Growing marijuana is susceptible to plant diseases, mold, mildew, and insect damage and may be treated with insecticides and herbicides that may harm human health when applied or when the chemical is disposed of in the trash or in the sewage disposal system.

(m) Cultivation of marijuana may also result in private or public nuisances. Whether grown indoors or outdoors, marijuana plants, particularly as they mature, produce a distinctive odor that is often detectable far beyond property boundaries. This strong, distinctive odor can interfere with neighboring owners' use and enjoyment of their property. In addition, this odor of growing or "green" marijuana may alert malefactors to the location where marijuana is grown and thereby create the risk of burglary and robbery at that location.

(n) The right of qualified patients and their primary caregivers under state law to possess and cultivate marijuana for personal medical purposes does not confer upon them a right to create or maintain a nuisance. By adopting this Code, which regulates the land use aspects of indoor residential cultivation of medical marijuana for personal use, the City anticipates a significant reduction in complaints regarding medical marijuana-related odors and residential mold and

moisture issues affecting rental housing stocks, as well as a decrease in crime and fires related to the cultivation and processing of medical marijuana.

(o) The City finds that while the need for qualified patients and/or their caregivers to use and cultivate marijuana is authorized by state law, the potential land use impacts to the environment and to public health, safety and welfare as identified, necessitates that the City create regulations, such as this Code, to govern the cultivation of medical marijuana for personal use in a residence, detached accessory buildings.

(p) The City finds that the indoor cultivation of more than fifty (50) square feet of medical marijuana that is more than ten (10) feet tall per residence or detached accessory building, as defined herein, within the City will result in an unreasonable risk of crime, fire, and other nuisance-related impacts such as odors offensive to people living or working or recreating nearby, as well as resulting in the deterioration of the neighborhood character, decrease in rental housing stock, and excessive energy consumption and carbon dioxide emissions. Therefore, the indoor cultivation of more than fifty (50) square feet of medical marijuana that is more than ten (10) feet tall per residence or detached accessory building is hereby found and declared to be unlawful and a public nuisance.

(q) The City further finds that the indoor cultivation of fifty (50) square feet or less of medical marijuana that is ten (10) feet tall or less per residence or detached accessory building is subordinate, incidental, and accessory to the residential use, within the City will achieve the goals of allowing qualified patients the ability to cultivate medical marijuana in or at their residence for their personal use, while minimizing, to the extent possible, the negative impacts on the neighbors, the neighborhood, local businesses, and the community from a qualified patient's medical marijuana cultivation and processing.

(4) Applicability and Interpretation

(a) The cultivation and processing of medical marijuana for personal use in a residence or detached accessory building or outdoors within the jurisdiction of the City shall be controlled by the provisions of this Code, regardless of whether the cultivation or processing existed or occurred prior to the adoption of this Code.

(b) Nothing in this Code is intended, nor shall it be construed, to exempt any cultivation of medical marijuana for personal use, from compliance with the City of Rio Dell's zoning and land use regulations, or all applicable local and state construction, electrical, plumbing, land use, or any other building or land use standards or permitting requirements, or any other applicable provisions of the Rio Dell Municipal Code, or any other applicable state or federal laws.

(c) Nothing in this Code is intended, nor shall it be construed, to preclude a landlord from limiting or prohibiting marijuana cultivation, smoking, or other related activities by tenants.

(d) The definitions in this Code are intended to apply to the Medical Marijuana Regulations. Applicable definitions in the Rio Dell Municipal Code may also apply to this Code.

(5) Definitions

Except where the context otherwise requires, the following definitions shall govern the construction of this Code:

Cultivation of Medical Marijuana for Personal Use: cultivation and processing of medical marijuana indoors in a residence or detached accessory structure by a qualified patient, or the primary caregiver on behalf of a qualified patient, which does not exceed fifty (50) square feet or ten (10) feet in height.

Detached Accessory Building - Residential: a building which is a) incidental and subordinate to the residence or residential use, b) located on the same parcel, and c) does not share at least ten (10) feet of common wall with the residence or other accessory building. A greenhouse may be considered a Detached Accessory Building if it is a fully enclosed, secure and lockable structure that has a roof supported by connecting walls extending continuously to a perimeter foundation or equivalent base to which the connecting walls are securely attached.

Indoor(s): within a fully enclosed and secure structure that has a roof supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached.

Medical Marijuana: marijuana, including concentrated cannabis or hashish, that has been recommended to an individual by a licensed physician for the treatment of an illness or disease pursuant to California Health & Safety 11362.5 et seq.

Outdoor(s): Not enclosed or covered by a roof, exposed to the elements.

Personal Medical Marijuana: medical marijuana that is cultivated, processed, or stored for a single qualified patient's use.

Primary Caregiver: an individual designated by the qualified patient who has consistently assumed responsibility for the housing, health, or safety of that patient pursuant to statutory and case law.

Qualified Patient: a person who has a recommendation for medical marijuana by a California-licensed physician, and who is entitled to the protections offered by California Health & Safety Code Section 11362.5, and who may or may not have an identification card issued by the State Department of Public Health identifying the individual as a person authorized to engage in the use of medical marijuana.

Residence: any structure designed or used for residential occupancy, regardless of whether it is located in a residential zone.

Residential Cultivation: the growing of fifty (50) square feet or less that is ten (10) feet or less in height of medical marijuana indoors within a residence or detached accessory structure of medical marijuana as defined herein. Such cultivation shall be for a qualified patient's personal

use and must be subordinate, incidental, and accessory to the residential use.

(6) Residential Cultivation for Personal Use

The City shall not interfere with a qualified patient's residential cultivation of medical marijuana for that patient's personal use, so long as the cultivation is in conformance with this Code and state law.

In order to eliminate the potential nuisance and health and safety impacts to the greatest extent possible, residential medical marijuana cultivation and processing for personal use shall be in conformance with the following standards:

(a) Indoor medical marijuana cultivation in a residence shall not exceed fifty (50) square feet or exceed ten (10) feet in height per residence on a parcel; and

(b) Indoor medical marijuana cultivation in detached accessory buildings shall not exceed fifty (50) square feet or exceed ten (10) feet in height per residence on a parcel; and

(c) A total of fifty (50) square feet of indoor medical marijuana cultivation for personal use, which does not exceed ten (10) feet in height, is permitted for each residence on a parcel, regardless of whether the cultivation occurs in a residence or in a detached accessory building. In no case shall a residence or a detached accessory building have a total of more than fifty (50) square feet or more than ten (10) feet in height of medical marijuana cultivation area per residence on the parcel, regardless of the number of qualified patients or primary caregivers residing at the residence or participating directly or indirectly in the cultivation; and

(d) The medical marijuana cultivation and processing area in the residence or detached accessory building shall be indoors, as defined herein, posted with a legible copy of the individual patient's medical marijuana recommendation, secured against unauthorized entry, and maintained for the exclusive use of the qualified patient; and

(e) Grow lights for medical marijuana cultivation for personal use in a residence or a detached accessory building shall not exceed 1200 watts total; and

(f) All electrical equipment used in the indoor cultivation of medical marijuana in a residence or a detached accessory building shall be plugged directly into a wall outlet or otherwise hardwired. The use of extension cords to supply power to electrical equipment used in the residential cultivation of medical marijuana is prohibited; and

(g) The use of gas products (CO₂, butane, etc.) for indoor medical marijuana cultivation or processing in a residence or a detached accessory building is prohibited; and

(h) No toxic or flammable fumigant shall be used for indoor cultivation of medical marijuana in a residence or a detached accessory building unless the requirements of Section 1703 of the California Fire Code have been met; and

(i) No odor of medical marijuana shall be detectable from the property boundaries by a person of ordinary senses. To achieve this, the medical marijuana cultivation area shall be, at a minimum, mechanically ventilated with a carbon filter or other superior method to prevent the odor of marijuana from escaping the indoor cultivation area and negatively impacting neighbors and the surrounding community. Ventilation systems shall be installed in a manner that facilitates decommissioning and a return of the cultivation area to non-cultivation residential uses; and

(j) From a public right of way, neighboring properties, or neighboring housing units, there shall be no visual or auditory evidence of medical marijuana cultivation at the residence or detached accessory building that is detectable by a person of ordinary senses; and

(k) Medical marijuana cultivation, processing, or transfers in a residence or detached accessory building are prohibited as a Home Occupation; and

(l) No sale, trading, or dispensing of medical marijuana is allowed on a parcel where residential cultivation of medical marijuana occurs; and

(m) The qualified patient shall not cultivate medical marijuana for his or her personal use in more than one residence or detached accessory building within the City jurisdiction; and

(n) The residence where medical marijuana is grown indoors for personal use shall maintain a kitchen and bathroom(s) for their intended use, and the kitchen, bathroom(s), and bedroom(s) shall not be used primarily for medical marijuana cultivation; and

(o) No effluent, including but not limited to waste products, chemical fertilizers or pesticides shall be discharged into drains, septic systems, community sewer systems, water systems or other drainage systems including those that lead to rivers and streams as a result of the cultivation of medical marijuana; and

(p) The residential cultivation of medical marijuana shall not adversely affect the health or safety of residents, neighbors, or nearby businesses by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes associated with the cultivation of medical marijuana; and

(q) The indoor residential cultivation of medical marijuana must comply with all applicable state and county laws, including fire and building codes; and

(r) A waterproof membrane or other waterproof barrier shall be installed in the cultivation area or beneath individual plants to protect the floor of the indoor cultivation area from water damage.

(7) Penalties

All of the remedies provided for in this section shall be cumulative and not exclusive for violations of this Code.

Any violation of this Code shall be, and the same hereby is declared to be, unlawful and a public nuisance and shall be subject to injunction, abatement or any other remedy available to the City under the applicable state and county laws, including the City's abatement and administrative penalty procedures.

Section 3. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 4. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 5. CEQA Compliance

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), subject to Section 15061 of the CEQA Guidelines. Due to the nature of the proposed code revisions, there is no evidence that any significant impact to the environment would occur as a result of adoption of the Ordinance. Any environmental effects associated with adoption and implementation of the Ordinance.

Section 5. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on January 3, 2013 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 15th of January 2013 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

CITY OF RIO DELL CHECK REGISTER

General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0000906	11/01/2012	[5235] ADVANTAGE FINANCIAL SERVICES	DOC START PAYMENT	148.01
0000907	11/01/2012	[4934] ANDERSON APPRAISAL (Redding)	APPRAISAL FOR LOUISE WOLFF(BETTS)	500.00
0000908	11/01/2012	[2224] AQUA BEN CORPORATION	HYDROFLOC 750E 55 GAL. DRUM 450	801.16
0000909	11/01/2012	[2285] CC MARKET (1)	BIRTHDAY FRIDAY CAKE	53.60
0000910	11/01/2012	[2290] CHIEF	6 SV BLEACH	
0000911	11/01/2012	[2301] MARK A. CLEMENTI, PH.D.	SERPA HOLSTER	356.99
0000912	11/01/2012	[2303] COAST CENTRAL CREDIT UNION	PROFESSIONAL SERVICE FOR PRE-EMPLOYMENT	585.00
0000913	11/01/2012	[3148] COUNTY OF HUMBOLDT	PSYCH	
0000914	11/01/2012	[2350] DON'S RENT - ALL, INC.	PD DUES FOR PPE 10/19/2012	120.00
0000915	11/01/2012	[2889] EEL RIVER TRANSPORTATION	COPY OF MAPS	6.30
0000916	11/01/2012	[2386] EUREKA RUBBER STAMP CO.	RENTED FOR 400 FT. WATER LINE TRENCH TO	122.04
0000917	11/01/2012	[3385] EVANS MECHANICAL	INSTA	
0000918	11/01/2012	[2411] FORT DEARBORN LIFE INSURANCE CO.	HAULING SERVICES FOR VACATIONEER TRAILER	663.25
0000919	11/01/2012	[2423] GEORGE'S GLASS	HAUL	
0000920	11/01/2012	[5052] GHD	US BANK STAMP	81.35
0000921	11/01/2012	[2501] HAJOCA CORPORATION	NAME PLATE FOR "BILLY LONG"	
0000922	11/01/2012	[4885] HDR ENGINEERING, INC.	NO HEAT (WATER BUILDING)	262.00
0000923	11/01/2012	[2452] HORIZON BUSINESS PRODUCTS	NO HEAT, FURNANCE #2 (WATER BUILDING)	
0000924	11/01/2012	[4035] HSBC BUSINESS SOLUTIONS	LIFE INSURANCE FOR NOVEMBER	237.00
0000925	11/01/2012	[5268] HUMBOLDT LOCK AND SAFE	2007 FORD CROWN VICTORIA PUT REAR RIGHT AND	130.00
0000926	11/01/2012	[2481] ICMA	ENGINEERING SERVICES FOR SEPTEMBER 2012	
0000927	11/01/2012	[5158] KURT HIRTZER INSPECTION SERVICES	AYM CTS SS INSERT	2,360.00
0000928	11/01/2012	[2569] NORTH COAST LABORATORIES, INC.	SERVICES THROUGH 07/28/2012 PER CONTRACT	15.87
0000929	11/01/2012	[4629] OLKIN & JONES, DRS	SERVICES THROUGH AUGUST 2012 PER CONTRACT	35,730.98
0000930	11/01/2012	[3343] PITNEY BOWES RESERVE ACCOUNT	KEYBOARD, OFFICE SUPPLIES	
0000931	11/01/2012	[2633] PURCHASE POWER	CREAMER / CUPS	194.15
0000932	11/01/2012	[3029] REDWOOD COFFEE SERVICE	KITCHEN SUPPLIES	56.17
0000933	11/01/2012	[2664] ROGERS MACHINERY INC	SERVICE SAFE	205.00
0000934	11/01/2012	[3685] RURAL COMMUNITY ASSISTANCE CORPORATION	RETIREMENT FOR PPR 10/19/2012	4,710.59
0000935	11/01/2012	[4643] SCOTIA PRINTING	PAY REQUEST #5 PER CONTRACT-JUST RECEIVED	36,000.00
			PAY REQUEST #6 PER CONTRACT	
			COLIFORM QUANTI-TRAY	50.00
			MEDICAL FOR PW EMPLOYEE- JUST RECEIVED	170.00
			POSTAGE PURCHASE FOR RESERVE	400.00
			POSTAGE REFILL	264.11
			COFFEE FOR PD	183.00
			COFFEE SERVICES	
			COFFEE SERVICES FOR POLICE DEPARTMENT	
			SERVICES ON AIR COMP IN SLUDGE PRESS	183.00
			INTEREST ONLY OCTOBER 2012	2,870.84
			RECEIPT BOOKS FOR FRONT OFFICE	329.26

CITY OF RIO DELL CHECK REGISTER

General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0000936	11/01/2012	[4699] SIERRA CHEMICAL CO	3 SODIUM BISULFITE 25% SOLUTION CREDIT FOR INVOICE 241970 LABOR	3,957.82
0000937	11/01/2012	[3137] SIX RIVERS COMMUNICATIONS	OFFICE SUPPLIES	270.00
0000938	11/01/2012	[2709] STAPLES DEPT. 00-04079109	NOVEMBER SERVICES	5.57
0000939	11/01/2012	[2710] STARPAGE	REPLACEMENT LFL CORNER STROBE, REPLACED STROB	12.95
0000940	11/01/2012	[3883] SUPERIOR INSTALLS	3" KENWOODFACE PLATE, INSTALLED FRONT MOUNT	510.44
0000941	11/01/2012	[4818] THREE G's HAY & GRAIN	6 PALLETS MORTON SOLAR SALT, DELIVERY	1,744.62
0000942	11/01/2012	[2717] TIMES-STANDARD-CIRCULATION	AD FOR UTILITY WORKER	338.45
0000943	11/01/2012	[2750] USA BLUEBOOK	1/2 ROTATOR NOZZLE	358.10
0000944	11/01/2012	[5166] VSP-VISION SERVICE PLAN	VISION FOR NOVEMBER 2012	316.45
0000945	11/01/2012	[2366] EEL RIVER DISPOSAL	GARBAGE BAGS FOR OCTOBER 2012	471.10
0000946	11/01/2012	[2502] KEMP INSPECTION SERVICE	SERVICES FOR OCTOBER, 2012	699.00
0000947	11/06/2012	[1044] R. L. LEONARD	REIMBURSEMENT FOR MILEAGE	53.28
0000948	11/06/2012	[1950] BRIAN'S AUTO REPAIR,	RANDY'S TRUCK BRAKES	542.37
0000949	11/06/2012	[2293] CITY OF FORTUNA	POLICE DISPATCH SRVS- NOV2012	1,542.00
0000950	11/06/2012	[2410] NORTH COAST CLEANING SERVICES, INC.	SERVICES FOR OCTOBER	471.00
0000951	11/06/2012	[2485] INDUSTRIAL ELECTRIC	LABOR TO DISASSEMBLE, CHANGE BEARINGS AND SEA	379.71
0000952	11/06/2012	[2501] HAJOCA CORPORATION	AYM LEAD FREE CPLNG CTS, STRAIGHT MTR VLV AYM 74628 34X1.25 LEAD FREE SHORT, MTR CPLG 3 PVC90 ELBOW, PVC 45 ELBOW, PVC FEMALE ADPT, P	1,235.19
0000953	11/06/2012	[2546] MERCER FRASER CO., INC.	1 SXS 817-010 SCH 80 PVC 45 ELBOW, AND 1 SXFI 80 PVC CPLG (12)	
0000954	11/06/2012	[2659] RIO DELL PETTY CASH	ASPHALT CONCRETE	403.47
			PURCHASES FOR AUGUST 2012	69.93
			PURCHASE FOR OCTOBER 2012	
			PURCHASES FOR SEPT	
0000955	11/06/2012	[2664] ROGERS MACHINERY INC	WASTE WATER REPAIRS TO GOULDS PUMP	279.78
0000956	11/06/2012	[2742] SCOTIA TRUE VALUE HARDWARE	25 PK 2WDG ANCHOR, FLT WASHER, LOCK NUT	7.12
0000957	11/06/2012	[2795] NALLEY & ASSOCIATES	PROFESSIONAL SERVICES	772.50
0000958	11/06/2012	[3151] SHN CONSULTING ENGINEERS	PROFESSIONAL SERVICES FOR THE PERIOD ENDING S	637.64
0000959	11/06/2012	[3370] FERGUSON ENTERPRISES, INC # 3021	1 BY 20 FT PVC S80 PE PIPE	75.54
0000960	11/06/2012	[3975] AT&T - 5709	PHONE EXPENSES FOR OCTOBER 2012	658.92
0000961	11/06/2012	[4338] QUILL CORPORATION	LEGAL FOLDERS (4)	304.48
			SAMSUNG BLK INK (2), DESKTOP DESPENSER, COUNT	
0000962	11/06/2012	[4382] DOCUSTATION	COPIES, PRINTS, FOR OCTOBER 2012	409.81

CITY OF RIO DELL CHECK REGISTER

General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0000963	11/06/2012	[4393] NYLEX.NET	RESOLVE ISSUES ON DESKTOP, INSTALL HOTFIX AND INSTALLED UPDATES ON CHIEF HILL'S PC TO RESOL	495.00
0000964	11/06/2012	[4643] SCOTIA PRINTING	2 SIDED PHOTO LOG SHEET PADS	96.53
0000965	11/06/2012	[4908] MITCHELL BRISSO DELANEY & VRIEZE	LEGAL SERVICES FOR THE MONTH OF OCTOBER LEGAL SERVICES FOR THE MONTH OF OCTOBER REPRESENTATION AT TECHNICAL ADVISORY COMMITTEE	3,212.25 3,402.75
0000966	11/06/2012	[5052] GHD	DOWNTOWN IMPROVEMENT AND STREETSCAPE FOR OCTO DOWNTOWN IMPROVEMENT AND STREETSCAPE FOR SEPT	
0000967	11/06/2012	[5062] MARIAH MORSS	REFUND OF CUSTOMER DEPOSIT	21.14
0000968	11/06/2012	[5101] NORTH VALLEY LABOR COMPLIANCE SERVICES	REVIEWED CERTIFIED PAYROLL FOR WASTE WATER TR	2,650.80
0000969	11/06/2012	[5114] BEST BEST & KRIEGER LLP	LEGAL SERVICES THROUGH OCTOBER 2012	90.00
0000970	11/06/2012	[5127] DELTA DENTAL	DENTAL INSURANCE FOR DECEMBER 2012	1,584.91
0000971	11/06/2012	[5222] R.J. RICCIARDI, INC	ACCOUNTING SERVICES THROUGH 10/31/12	122.50
0000972	11/06/2012	[5269] MOBILE DIESEL REPAIR	BACK UP GENERATOR	100.00
0000973	11/13/2012	[5108] WAHLUND CONSTRUCTION INC.	PAY REQUEST #8 PER CONTRACT	495,192.54
0000974	11/15/2012	[0576] 101 AUTO PARTS	GLOVE- AL HEADLIGHT BULB BATTERY, CORE DEPOSIT LINCH PIN	854.59
0000975	11/15/2012	[1950] BRIAN'S AUTO REPAIR,	ANTI FREEZE QT 10W30, OIL ANTIFREEZE REPLACE INTAKE MANIFOLD GASKET, REPAIR INTAKE	672.87
0000976	11/15/2012	[2237] BANK OF AMERICA BUSINESS CARD	MOWER MAINTENANCE- BLADES FROM SCOTTYS CUTTER	1,728.24
0000977	11/15/2012	[2247] ANTHEM BLUE CROSS	DELL- TONER FOR 1110 PRINTER FROM DELL LUNCH FOR WATER CLASSES FOR RANDY & CAMERON -	11,349.00
0000978	11/15/2012	[2269] ADVANCED DISPLAY & SIGNS	LUNCH FOR RANDY & CAMERON DURING WATER HEALTH INSURANCE FOR DECEMBER, 2012	71.94
0000979	11/15/2012	[2303] COAST CENTRAL CREDIT UNION	EXTERIOR SIGN	120.00
0000980	11/15/2012	[2383] EUREKA OXYGEN CO.	PD DUES FOR PPE 11/2/2012	16.16
0000981	11/15/2012	[2437] HACH	MONTHLY RENT	812.30
0000982	11/15/2012	[2447] HILFIKER PIPE CO.	PHOTOCELL ASSY, REPL. KIT	1,544.40
0000983	11/15/2012	[2471] HUMBOLDT WASTE MANAGEMENT AUTHORITY	PICNIC TABLE AT&T RECYCLING GUIDE	330.10
0000984	11/15/2012	[2481] ICMA	RETIREMENT FOR PPE 11/2/2012	4,710.59

CITY OF RIO DELLL CHECK REGISTER

General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0000985	11/15/2012	[2569] NORTH COAST LABORATORIES, INC.	COLIFORM QUANTI-TRAY	100.00
0000986	11/15/2012	[2570] NILSEN COMPANY	COLIFORM BACTERIA, PICK UP CHARGE	
0000987	11/15/2012	[2577] NTU TECHNOLOGIES, INC.	BIG IN TUF- GENERIC ROUND UP	78.36
0000988	11/15/2012	[2603] PG&E	275 GALLON TOTE	3,505.50
0000989	11/15/2012	[2634] PUBLIC SAFETY CENTER, INC	UTILITIES FOR OCTOBER 2012	12,566.09
0000990	11/15/2012	[2672] ST. JOSEPH HOSPITAL	HEROIN TEST KITS	45.50
0000991	11/15/2012	[2724] STATE WATER RESOURCES CONTROL BOARD	ACUTE EXAM, HCG SCREEN, & VENIPUNCTURE	2,743.16
			SANITARY SEWER OVERFLOW PROGRAM	9,979.00
			NPDES	
0000992	11/15/2012	[2742] SCOTIA TRUE VALUE HARDWARE	SLUDGE PERMIT	
			NICKEL PLATTED KEY	58.15
			COUPLING, PVC SLIP UNION	
			MTL NOZZLE, QUICK FIX SEED	
			SOLID SET COLLARS, CTRLS HTCH PN	
			BULDOZER PUSHBROOM	
0000993	11/15/2012	[2758] USDA RURAL DEVELOPMENT	CASE # 04-012-0941603860.. CODE 92 LOAN # 03	4,000.00
0000994	11/15/2012	[2772] WENDT CONSTRUCTION, INC	PERK PONDS	2,760.00
0000995	11/15/2012	[2779] WILDWOOD SAW	EDGER BLADES	12.81
			CREDIT	
0000996	11/15/2012	[3114] 3T EQUIPMENT CO., INC.	MINI CHAIN CUTTER, AND FREIGHT CHARGES	3,262.73
0000997	11/15/2012	[3343] PITNEY BOWES RESERVE ACCOUNT	POSTAGE PURCHASE FOR RESERVE	400.00
0000998	11/15/2012	[3373] VALLEY LUMBER & MILLWORK	SUPPLIES	84.98
0000999	11/15/2012	[3878] OLIN CORP - CHLOR ALKALI	SODIUM HYPOCHLORITE	700.51
0001000	11/15/2012	[4035] HSBC BUSINESS SOLUTIONS	GARBAGE BAGS	13.92
0001001	11/15/2012	[4525] SHERLOCK RECORDS MGMT	SERVICES FOR OCTOBER	96.60
0001002	11/15/2012	[4699] SIERRA CHEMICAL CO	SODIUM BISULFITE, CONTAINER DEPOSIT	1,585.94
0001003	11/15/2012	[4818] THREE G's HAY & GRAIN	SALES TAX FOR 6 PALLETS MORTON SOLAR SALT	122.13
0001004	11/15/2012	[4885] HDR ENGINEERING, INC.	ENGINEERING SERVICES FOR SEPTEMBER 2012	12,542.76
			PER C	
0001005	11/15/2012	[4937] STATE OF CALIFORNIA	SIGNALS AND LIGHTING JULY-SEPTEMBER 2012	349.76
0001006	11/15/2012	[5241] GE CAPITAL	XEROX COPIER RENTAL PAYMENT-NOVEMBER 2012	474.39
0001007	11/28/2012	[2110] GRAHAM G. HILL	POST COURSE WEEK 2-DEC 3 THRU DEC 7TH	565.15
0001008	11/28/2012	[2203] AESTHETIC DESIGN & PHOTOGRAPHY	ANNUAL WEB HOSTING	300.00
0001009	11/28/2012	[2283] COASTAL BUSINESS SYSTEMS	KYO PRINTER MAINT AGREEMENT 11/12 TO 11/13	1,059.00
0001010	11/28/2012	[2303] COAST CENTRAL CREDIT UNION	COPIER MAINT- PD- AGREEMENT-MURATEC 11/12 TO	
0001011	11/28/2012	[2356] DOWNEY BRAND LLP	PD DUES FOR PPE 11/16/2012	120.00
0001012	11/28/2012	[2394] FEDEX	SERVICES THROUGH OCTOBER 31, 2012	750.00
0001013	11/28/2012	[2411] FORT DEARBORN LIFE INSURANCE CO.	SHIPPING EXPENSE	35.34
0001014	11/28/2012	[2481] ICMA	LIFE INSURANCE FOR DECEMBER 2012	229.50
0001015	11/28/2012	[2694] SHELL OIL CO.	RETIREMENT FOR PPE 11/16/2012	4,710.59
			FUEL FOR PD OCTOBER 2012	3,114.52
			FUEL CHARGES PD NOVEMBER	
			FUEL EXPENSES FOR NOV PW	
			FUEL EXPENSES PW OCTOBER 2012	

CITY OF RIO DELL CHECK REGISTER

General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0001016	11/28/2012	[2709] STAPLES DEPT. 00-04079109	TONER CARTRIDGES BLACK INK CARTRIDGES FOR PLANNING DEPT CARTRIDGES, 8 PORT GIG, AND SUPPLIES FOR WWTP	704.38
0001017	11/28/2012	[2710] STARPAGE	DECEMBER SERVICES	12.95
0001018	11/28/2012	[3151] SHN CONSULTING ENGINEERS	ENGINEERING SERVICES THROUGH OCTOBER 31, 2012	299.99
0001019	11/28/2012	[3685] RURAL COMMUNITY ASSISTANCE CORPORATION	INTEREST ONLY FOR NOVEMBER 2012 LOAN 0762- CRD	3,744.57
0001020	11/28/2012	[4035] HSBC BUSINESS SOLUTIONS	LIQ CREAMER	8.79
0001021	11/28/2012	[4393] NYLEX.NET	TROUBLESHOOT PASSWORD ISSUES ON POILCE CHIEF	336.00
0001022	11/28/2012	[4450] TERMINIX	INSTALLATION OF WINDOWS UPDATE FRONT OFFICE	89.00
0001023	11/28/2012	[4454] JOHN DEERE CREDIT	SERVICE AT 675 WILDWOOD AVENUE	13,582.60
0001024	11/28/2012	[4885] HDR ENGINEERING, INC.	SERVICE AT 475 HILLTOP TRACTOR PAYMENT	14,427.32
0001025	11/28/2012	[5158] KURT HIRTZER INSPECTION SERVICES	ENGINEERING SERVICES THROUGH NOV 3, 2012 INVOICE NO 7 FOR NOVEMBER, 2012 PER CONTRACT	18,000.00
0001026	11/28/2012	[5284] DONALD BICKNELL	REFUND ON WITNESS FEE HARRALSON, WEINER	300.00
Total Checks/Deposits				751,367.51